



CALIFORNIA  
STATE LIBRARY

*Call No.* c. 815 C 153  
7

*Copy No.* .....



0 2007 0282459 6



California State Library



Contents.

1. Bard, T. R. The autonomy of Arizona guaranteed forever.
2. Bates, G. C. Address. 1856.
3. Bowers, W. W. Pacific railroads.
4. Stanford, Ireland. Education.
5. Bowers, W. W. Silver, the money of the common people.
6. Crane, C. B. Co-operation with state boards of health.
7. California American protective tariff league. A Missourian's views on the tariff.
8. Curry, C. F. The United States, - a white man's country, enjoying a white man's civilization.
9. Curry, C. F. Emergency revenue legislation; tax on wine.
10. Davis, J. F. A plea for the collection, preservation and diffusion of information relating to the history of California.
11. Dodge, W. S. Oration. Sitka, Alaska. July 4th. 1868.
12. Estee, M. M. Republican speech of 1898.
13. Flint, F. P. The tariff; - the lemon industry.



14. Gentry, M. P. Speech on the admission of California.
15. Hastings, S. C. Comparative jurisprudence.
16. Hopkins, C. T. Pasadena library.
17. Johnson, C. H. Oration. 1874.
18. Kahn, Julius The San Francisco disaster, - honest and dishonest insurance.
19. Kunkler, J. E. Speech against the resolution to reorganize the Republican clubs of San Francisco.
20. Lane, F. K. Address. 1913.
21. Lloyd, R. H. Address. 1892.
22. McKinstry, E. W. Address, jubilee celebration, San Jose.
23. McKinley, D. E. The tariff bill - Japanese and Chinese competition with American industries.
24. Meeker, David Mortgage tax bill.
25. Miller, J. F. Nicaragua canal.
26. Morrow, W. W. The recall as applied to the judiciary.
27. Newlands, F. G. Reform of the land laws; state co-operation in irrigation; the Nevada irrigation statute.



28. Perkins, G. C. Election of senators.
29. " " " Reciprocity with Cuba.
30. Phelan, J. D. The new San Francisco.
31. Scott, W. A. Influence of great cities.
32. Shaeffer, J. W. Address to the cigar makers of the International union.
33. Stanford, Ireland Government loans on real estate.
34. Vandever, William Irrigation of arid lands.
35. Wallace, C. C. Funeral address in memory of Abraham Lincoln.
36. White, S. M. Hawaiian cable and annexation.
37. Winslow, C. F. Address delivered before the Sons of Temperance in San Francisco.



25979

---

OF

OF CALIFORNIA.

IN THE

SENATE OF THE UNITED STATES.

Friday, January 6, 1905.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

INV. 1916

ABROGILAO  
YHABBU ITATC



SPEECH  
OF  
HON. THOS. R. BARD.

---

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BARD. Mr. President, it seems important, in the beginning of this discussion, to call attention to the peculiar history of the pending bill.

Following the defeat of the omnibus statehood bill in the Fifty-seventh Congress, there was introduced early in the first session of the Fifty-eighth Congress, in this Chamber, by Mr. Quay, on November 16, 1903, Senate bill 878, to enable the people of *New Mexico* to form a constitution and State government, and Senate bill 879, being a similar bill providing for the admission of *Arizona* as a State.

The first bill introduced in the House of Representatives in the Fifty-eighth Congress was H. R. No. 1, a bill to enable the people of *New Mexico* to form a constitution and State government and be admitted into the Union, introduced by the Delegate from New Mexico, Mr. RODEY.

On the same day there was introduced in the House another bill (H. R. 24) intended to provide for the union of *Oklahoma* and the *Indian Territory* as one State.

On the following day (November 10) another bill (H. R. 848) intended to provide for the admission of *Arizona* alone was introduced by the Delegate from Arizona, Mr. Wilson. A week later there was introduced by the Delegate from Oklahoma, Mr. McGUIRE, H. R. 4078, a bill intended to provide for the admission of *Oklahoma* alone. On January 14, 1904, another bill (H. R. 10010) intended to provide for the admission of *Oklahoma and Indian Territory* united as a State was introduced by Mr. ROBINSON of Indiana, in the beginning of the second session of the Fifty-eighth Congress, March 5, 1904. A bill (H. R. 13524) providing for the admission of *Indian Territory* alone as a State was introduced by Mr. Moon of Tennessee.

It will be observed that while two of these bills proposed the union of Oklahoma and Indian Territory, all of the rest, five

in number (S. 879, S. 878, H. R. 848, H. R. 4078, H. R. 13524), were intended to permit each of the four Territories to be admitted separately. None of the bills proposed the union of New Mexico and Arizona, and the people of these Territories have never asked for joint statehood.

The bill (H. R. 14749) now under consideration by the Senate was introduced by the chairman of the Committee on the Territories and referred to his committee on April 4, 1904. It was reported back to the House of Representatives on April 8, 1904, without amendment, having been in the hands of the committee three days. On April 19, 1904, the bill was taken up for consideration by the House as in Committee of the Whole House, under a rule reported by the Committee on Rules, limiting the debate, excluding intervening motions, and providing for a vote on the bill on its final passage at 4 o'clock of that day. No amendments were permitted under the rule, except such as had been proposed in the rule; and the bill, as thus amended, was passed by the House on April 19, 1904, after a debate lasting three and one-half hours. No bill of the kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Some of the Members who participated in the debate expressed regret that the limitations for the consideration of a measure so important prevented them from presenting certain amendments which, in their opinions, would probably have been accepted, and if accepted would have removed what was regarded as serious objections to the bill.

The bill was never read before the House. (See p. 5152, CONGRESSIONAL RECORD, April 19, 1904.)

I have recited these facts as they appear on the record of the legislative history of the measure which the Senate is now considering, for the purpose of showing that the people of Arizona and New Mexico, through their representatives, or otherwise, have never applied to be joined in statehood, and no bill was ever before introduced in Congress for such purpose, but that such proposition originated in the Committee on the Territories of the House of Representatives. It does not, therefore, appear that the committee was prompted by any consideration of the wishes of the people of the Territories of Arizona and New Mexico, but its action was in direct disregard of the protests made in their behalf.

In the absence of any explanation given in their report or elsewhere, we are compelled, therefore, to presume that the measure was suggested only by what a majority of the members of the committee in the House regarded as best for the common weal of the whole people of the United States, and that in their judgment such consideration is paramount and justifies its refusal to regard the wishes and interests of the people directly interested. But, if such be the case, there is nothing in the House report indicating how such a conclusion has been reached and it remains to be explained by Senators who are supporting the measure how it has become necessary that this bill shall be passed in order that the best interests of the Republic shall be conserved or promoted.



in view of the facts concerning the history of the measure. I wish to express my gratification that the rules of the Senate accord to its members the fullest opportunity and latitude for debate, and that they secure for this or any other measure as full and deliberate consideration as its importance merits.

Senators who are opposing the passage of this bill, as a whole or unless it is amended so as to eliminate all portions of it which apply to New Mexico and Arizona, are expecting to have full latitude under these rules and successfully to dispel any idea that may be entertained that there *is* any present public necessity for safeguarding or promoting the common interests by the enactment of this bill in its entirety.

In this short session of Congress, which will be taken up principally by the consideration of the great appropriation bills, there will be presented to the Senate for its consideration no measure more important than the statehood bill. It affects the rights and political destiny of nearly 2,000,000 of our own American people and proposes to terminate the control of Congress over the only contiguous territory belonging to the United States.

The creation of new States has often marked some important epoch in the political history of the nation and too frequently has signified the accomplishment of some selfish scheme of the political party which at the time controlled the Government. There does not appear to be any circumstances by which either of the great political parties of this day can secure any sure advantage by either the enactment or defeat of this measure; and I believe that Senators can not be persuaded to let any hope for political advantage to either of the parties, whose representatives are supposed to be divided by the central aisle of this Chamber, prevent them from considering this measure only on the higher plane of duty to the Republic and to the people most directly interested in it.

I have no objections to the proposed joining of Oklahoma and Indian Territory to make a State of the Union, but I believe that it would be more consistent with the principles of our Government to permit the people of each of the Territories, separately, to vote upon the proposition, and to require a vote of the majority of the qualified electors of each Territory to ratify the proposed constitution of the new State. These Territories have made great advance in the development of their resources and are already populous.

The combined area of the two Territories is about seventy thousand square miles—about the size of Missouri. Oklahoma and Indian Territory contain 11,000 square miles less than Kansas and 17,000 square miles more than Arkansas, and their joint area is less than three-fourths of the area of Colorado—all being their neighboring States.

The aggregate population of the two Territories is probably far beyond a million.

The organic act creating the temporary government for Oklahoma provided for the addition, from time to time, of large portions of the Indian Territory. By this organic act it is apparent that it was not intended to draw a permanent line of division between Oklahoma and Indian Territory, but that Oklahoma

should be enlarged by adding other lands within the Indian Territory whenever the Indian nation or a tribe on such lands shall assent to the extension.

Indian Territory is practically without a government and has no representation in Congress. Before the proposed constitution of the new State shall be in force the lands belonging to the Five Civilized Tribes will have been allotted and disposed of and all of the Indians will have become citizens of the United States.

By the Curtis Act, and various agreements with the Five Tribes, tribal courts were abolished July 1, 1898, and all tribal relations and government of the five nations are to cease March 4, 1906.

Of the whole population of the Indian Territory the Indians of pure and mixed blood, who have intermarried whites and negroes, and adopted citizens, constitute only one-fifth of the inhabitants of the Territory. The remaining four-fifths of the inhabitants of the Territory have no connection with tribes, and are white people with a small percentage of negroes, whose citizenship in the States from which they came has qualified them for statehood.

This large population of white people is without adequate schools, except those which have been provided by the Government for incorporated towns. It is estimated that 100,000 white children in the Territory are without free educational opportunities.

There seems to be, therefore, not only a sufficient preparedness, but a necessity for statehood.

But as to the proposition to join Arizona and New Mexico, I am not in accord with the majority of the Senate Committee on Territories, of which I have the honor to be a member; but I believe that Arizona, at least, has a right to protest against this measure, and has sufficiently indicated to Congress that her people are earnestly protesting against the proposed attempt to coerce them to accept joint statehood with New Mexico. At no time have the people of either of the Territories of Arizona or New Mexico expressed any desire to have joint statehood.

At the hearings held December 11, 15, 17, 1903, and on January 6, 1904, before the House Committee on the Territories, reference was made for the first time to the proposition of joining Arizona and New Mexico. It occurs in the statement before the House committee by Mr. RODEY, the Delegate from New Mexico. (See Hearings, Vol. II, p. 631, and on pp. 64, 66, and 70.) He introduced the subject himself by saying:

There is no use in mincing matters. It is better for the Delegates from the Territories to be plain with the committee. There is a sentiment in the East, as we know it was developed in the opposition to statehood *last winter*, in favor of making an effort to join the Territories of New Mexico and Arizona as one State when they come into the Union.

And, continuing, he said:

The people of the Territory of Arizona, as I am at present advised, would vote *as a unit* against such a bill; and 60 or more per cent of the people of New Mexico would vote this minute to defeat a constitution under it. *If they shall change their minds* it will only be by coercion after this Congress has denied their just demands.



That was the testimony of Delegate RODEY. At the same hearing Hon. E. E. Ellinwood, of Prescott, Ariz., for five years United States district attorney, said (p. 145) :

If you can not benefit the Territory of Arizona, do not do her an injury. New Mexico does not want us tied to her, and we do not want to be tied to New Mexico. We want statehood, gentlemen of the committee, but we are not insane on the subject of statehood. If you can not admit Arizona with its 113,000 square miles, with its resources, with its American population, leave us out. \* \* \*

Gentlemen of the committee, take up the New Mexico bill and pass it; take up the Oklahoma bill and pass it; and let Arizona remain as it is rather than join us together. We will be loyal. We would prefer to remain a Territory absolutely indefinitely, forever, until we work out our own salvation. We will do it. For heaven's sake do not strike us in the face if you can not help us up. This is the preference of the people. I know the conditions in the Territory, and no one will appear before you who will not tell you the same thing. Arizona is unanimous on this subject. We will not have it if we can help it.

Mr. Ellinwood was asked the following question :

By what authority do you speak, on behalf of your Territory, saying that you are united in opposition to being joined with any other Territory to form a State? Is it simply your judgment about it, or has there been a vote, or a town meeting?

His reply was :

I will state to the gentleman that since this question has been up I have been in every county in the Territory, and nearly every town in every county. I am with the people all the time; I am in the courts with the jurors and witnesses all the time; and I have never heard one man in the Territory of Arizona express himself favorably to any such joining of the two Territories.

The Delegate from Arizona, Mr. WILSON, being asked (January 15, 1904) by the chairman of the committee :

Supposing that you were confronted with the question whether you could be admitted with New Mexico or not at all, would you rather wait, or would you rather be joined?

replied :

We would rather wait until the crack of doom before we would ever consent to it, and if stronger language is necessary I will use it.

Mr. ROBINSON. Is that the sentiment of your people?

Mr. WILSON. Yes, sir; absolutely.

Mr. ROBINSON. Will that sentiment change?

Mr. WILSON. It never will. It will only grow more violent.

In each case these witnesses gave in full the reasons why the people of Arizona are not only unwilling to be joined with New Mexico in joint statehood, but strongly protest against it. This protest was early expressed by the governor of Arizona in his report to the Secretary of the Interior for the year ended June 30, 1903. He said (p. 205) :

While the people of Arizona are unanimous in their desire for the admission of the Territory as a State and feel that the longer this boon is denied them the longer is a great injustice being done to a hardy, honest, straightforward, and patriotic people, still they are as unanimous in their opposition to a union with any State or part of State or Territory, even though by such a union could the desired boon be attained.

They have withstood the dangers and vicissitudes of frontier life too many years; they have worked too hard to mold a State from the desert; they have expended too much time and energy in the upbuilding of their Territorial public institutions to at this late day desire to surrender control to others. \* \* \* Arizonans desire admission to statehood, feeling sure that, under the stimulus given by the more stable form of government, Arizona will rapidly forge to the front and soon become one of the most prosperous of all the States of our Republic. They feel without exception that a union with the Territory of New Mexico as one State, by whatever name it may be known, would make a State too unwieldy for the proper administration of public

affairs; that such a union would be disastrous to all concerned, and would be rather an obstacle than a help to progressive advancement for either.

And in his last report, for the year ended June 30, 1904, after the bill under discussion had been passed by the House, the governor of Arizona says (p. 14) :

Finding themselves confronted with a plan to unite their Territory with New Mexico, the people of Arizona *have protested* vigorously, and they will *continue* to do so until they have defeated this repugnant scheme. The injustice of it should readily appeal to all. \* \* \*

The two Territories, as they stand, are different in many ways. They have little in common; their lands are dissimilar. It is doubtful if they could ever become reconciled to exist under one form of State government.

\* \* \* I can not *add* to the *protest* that has already been made by the people of the Territory of Arizona against this reprehensible measure, and I have only to say that they would desire that their Commonwealth *remain a Territory indefinitely* rather than be joined with New Mexico. They desire to come into the Union as the State of Arizona, with the present Territorial boundary, and until, in the wisdom of the nation's legislators, they are permitted to do this, they are content to remain as they are, trusting in the justice of the future years to bring the boon so earnestly sought.

The people of Arizona, alarmed by the intimation that such a proposition was being entertained by the House Committee on Territories a year ago, quickly sent earnest protests to their Delegate, that he might present them to Congress; and we find these protests printed in full in the CONGRESSIONAL RECORD, pages 5111 to 5118, filling eight pages. They are the resolutions passed by the people in mass meetings in all the principal towns and cities and throughout the counties of Arizona, and by municipal bodies, county supervisors, boards of trade, chambers of commerce, etc. They are positive declarations "that the people of Arizona are unalterably opposed to New Mexico and Arizona being consolidated and made one State; that they prefer to remain as citizens of a Territory than to enter the sisterhood of States under such condition;" and they pray that "no bill be passed providing for the union of New Mexico and Arizona into a single State."

The newspapers of Arizona also have repeatedly given expression to the almost unanimous opposition by the people of that Territory to this measure. The sentiment of opposition is shared by the people and press of both political parties of Arizona. Were it necessary or advisable, many pages of the RECORD could be filled with hundreds of newspaper articles in support of this statement. Specimens of these denunciations by the press of Arizona are perpetuated in the Appendix, printed in connection with the admirable remarks of Mr. NEEDHAM, one of the Representatives from California, on pages 5130 to 5132 of volume 38 of the CONGRESSIONAL RECORD.

I am personally informed, from various reliable sources, that most of the best-known men of Arizona, among them Chief Justice Kent, of the Territory, and ex-Governor Murphy, of Arizona, strongly express their own disapproval of the proposed jointure of the two Territories, and state that the opposition of the people is almost unanimous.

Governor Otero, of New Mexico, a Republican in politics and originally an appointee of President McKinley in his first term, is of Spanish descent on the paternal side and qualified in every



way to speak of the popular sentiment in the two Territories respecting this measure.

There is no doubt that the great majority of the people of New Mexico are opposed to joining New Mexico and Arizona into one Commonwealth as is proposed by pending legislation. Even the small percentage who would acquiesce in such a consolidation prefer single and separate statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historic and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

And Governor Otero has said, in even a more emphatic manner, in a recent interview as reported by the newspapers, the following:

The new State would be an unnatural and an unwilling alliance. It would be the coercion of two populations, which are unlike in character, in ambition, and largely in occupation.

The union would be abhorrent to both. Because the two populations are in the Southwest the nation should not suppose that they are alike or sympathetic.

Arizona was once a county of New Mexico, but from the very beginning her people were dissatisfied and desired to become separated from New Mexico. Senator Wade, in this Chamber, in the debate on July 3, 1862, on the bill to create a temporary government for Arizona, said:

The organization of the Territory of Arizona has been a matter of constant importunity upon this Government for more than seven years, to my certain knowledge. \* \* \* The people there, \* \* \* ever since I have been upon the Committee on Territories, have been urging Congress to organize this Territory.

It appears that the people of New Mexico were quite reconciled to the proposed separation, for in the debates in Congress, preserved in the Congressional Globe, we find Mr. Watts, the Delegate from the Territory, earnestly supporting the bill to create the temporary government for Arizona then pending, and representing that the people of New Mexico realized that sooner or later a division of the Territory would be made by Congress, and that it were *better* to come now, *before* the people of the different sections of the Territory shall become so "attached to each other and so intertwined as one people that to disrupt the Territory will cause the most unpleasant and painful sensations."

But, Mr. President, the people of these two Territories were not permitted to become "attached to each other" or "to be intertwined" very long, for the bill which Mr. Watts was then supporting soon afterwards became the law, under which, for forty-two years, the people of Arizona have enjoyed the benefits and happiness of a separate autonomy. Mr. Watts said, in his remarks upon that occasion, in 1862:

It is a Territory large enough to make four States of the size of New York or Pennsylvania, and I know and feel that it will not be allowed to remain undivided. I know that it will be considered too large for one Territory, and division must come sooner or later.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. Certainly.

Mr. TILLMAN. Before the Senator from California passes from the point he is making in his almost, I will say, unanswer-

able argument in favor of the contention which he is urging I will submit, if he will permit me, some very recent and, to my mind, conclusive testimony just received in the mail this morning from the Bar Association of Arizona, signed by Jerry Millay, president, and Thomas J. Prescott, secretary—a personal letter addressed to me inclosing a resolution passed by the bar association, dated the 31st of December, 1904. I suppose it has been three or four days in transit, or something like that, but it is the most recent and authoritative statement of the opposition of those in Arizona who are supposed to know what they want. If the Senator will permit me, I will ask the Secretary to read it, so that it may go into the RECORD.

Mr. BARD. With pleasure.

Mr. BEVERIDGE. Does the Senator want both the letter and the resolution read?

Mr. TILLMAN. Yes; I want both read, because they are interlocked and one is about as strong as the other. Let the letter be first read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

BAR ASSOCIATION OF ARIZONA, OFFICE OF SECRETARY,  
Phoenix, Ariz., December 31, 1904.

Hon. BENJ. R. TILLMAN,  
*Senator from South Carolina.*

DEAR SIR: We herewith present to you a copy of resolutions adopted by the Bar Association of this Territory regarding the proposed union of Arizona and New Mexico and their admission to the Union as a single State.

These resolutions have been forwarded to the United States Senate as a body, but in addition we desire to invite your personal consideration of this proposed legislation and to implore you to lend your assistance to avert from the people of this Territory the calamity which they feel to be impending.

It is impossible by resolutions to convey to you or to the honorable body of which you are a distinguished member the intensity of the feeling of our people upon this subject and their loathing of the proposed union. In this time of our peril we appeal to the Senate of the United States and to each individual member thereof not to put upon the people of Arizona the blight which this odious union will entail.

The people of this Territory are homogeneous, with similar tastes, ideals, and ambitions, and they have at great sacrifice established and maintained appropriate educational and charitable institutions conformable to those ideals and ambitions, and they desire the opportunity to work out their own destiny in accordance with those ideals.

There is nothing in common between the people of Arizona and those of New Mexico, and the topography of the country interdicts all intercourse and all interchange of commodities or ideas.

The combined area of the two Territories is too great for the convenient and economical administration of government.

The inhabitants of this Territory differ from those of New Mexico in race, government, ideas, political ambitions, and otherwise to such an extent as to make it impossible for the people of the two Territories to unite in harmonious conduct of a State government.

We therefore implore you not to lend your countenance or assistance to the passage of this measure, which, if it becomes a law, will practically disfranchise and enthrall as progressive, loyal, and patriotic a body of American citizens as any whom the members of your honorable body represent.

Separate, independent statehood has ever been the hope of our people, yet we willingly, gladly consent to defer the fruition of that hope indefinitely rather than incur the irremediable disaster of the submergence of our identity which the proposed union with New Mexico would entail.

Respectfully,

JERRY MILLAY, *President.*

Attest:

THOS. J. PRESCOTT, *Secretary.*



## Resolution.

The Arizona Bar Association, of Arizona, at a meeting held at the capital of the Territory, on December 27, 1904, adopted the following resolution:

*Resolved*, That this association protest against the admission of Arizona and New Mexico as one State into the Union, and offers this protest against the passage of the bill now pending on the following grounds:

First. It violates our sense of local pride; sentimental possibly, but a sentiment underlying and necessary to loyalty, patriotism, and the higher aspirations for good government and good citizenship.

Second. It subjects us to the domination of a majority heretofore strangers to us, living under different institutions, observing different customs, having different laws and different rules of property as to its acquisition, enjoyment, and disposition, subject to different environment, having different trade relations, and the larger proportion of whom can not and do not understand, speak, or write the English language.

Third. That such union involves either a concession by that majority of their laws, customs, and habits or an abandonment by us of ours, and the consequent unsettling of our laws and jurisprudence which are the growth of nearly half a century of different, distinct, and separate government, and by experience shown to be adapted and adaptable to our institutions, customs, habits, and peculiar wishes.

Fourth. The union of these two Territories would create a State the area of which would be greater than Iowa, Michigan, New York, and all the New England States combined. This would entail extraordinary expenditure of money and time in the transaction of public business, working hardship and more or less operating to deprive us of participation in the transaction of our public affairs. It is, we submit, a cardinal principle of American institutions that the more nearly within the actual observation of the people the functions of a government are exercised, and the greater facility afforded them for actually participating therein, the safer those institutions are and the more economically, honestly, efficiently, and capably they are carried on.

These considerations principally, perhaps others, more than forty years ago induced a Congress of the United States to establish the government of the Territory of Arizona separate and apart from that of New Mexico. The lapse of time has not, we submit, rendered these reasons of less efficiency, but has, on the contrary, not only justified the act of that Congress, but emphasized and made more apparent and urgent the reasons that then prompted the separation. The proposed enabling act is violently opposed to our wishes and, as we deem it, will necessarily result in the subversion of our rights.

We therefore respectfully but most earnestly protest against the passage of the proposed law, implicitly believing that in so doing we express the sentiment of the vast and overwhelming majority of our people.

And as members of this honorable profession we appeal to the Congress of the United States that, as a matter of right and justice, this distasteful union be not imposed upon an unwilling people.

I hereby certify that at a special adjourned meeting of the Bar Association of Arizona, held in the court room at the court-house in the city of Phoenix, Ariz., on the 28th day of December, 1904, at the hour of 2 o'clock p. m., due and timely notice of such meeting having first been given, the foregoing resolution was unanimously adopted; that the undersigned was at the date of said meeting and now is the duly elected, qualified, and acting secretary of said association.

THOS. J. PRESCOTT, *Secretary.*

PHOENIX, ARIZ., December 31, 1904.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. BARD. I do.

Mr. TILLMAN. If the Senator from California will permit me, I want to say that this cry for help appeals to me with greater force than possibly it does to many others here, for the reason, if I understand the situation, that it is a cry of a pure-

blooded white community against the domination of a mixed-breed aggregation of citizens of New Mexico, who are Spaniards, Indians, greasers, Mexicans, and everything else. It is just about the same as if we were to join Florida and Cuba, and then let the two be governed by a legislature elected by the universal suffrage of the Cubans and Floridians.

Mr. BARD. I am afraid the Senator from South Carolina—

Mr. TILLMAN. I want to say that I cast no reflections, and I do not want to cast any reflections, upon the New Mexicans. I am willing to give them statehood, but I do say that, as a white man, I appeal for white supremacy in Arizona.

Mr. BARD. I had no intention of introducing in my speech any similar testimonials of the feeling existing in Arizona in opposition to this bill, but since the Senator from South Carolina [Mr. TILLMAN] has introduced these papers, I have been handed by a messenger two communications which perhaps may as well be submitted at this time. I am informed by telegrams that there will be much more of the same kind of evidence presented to the Senate.

The PRESIDING OFFICER. Does the Senator from California desire the communications to which he has referred read by the Secretary?

Mr. BARD. If permitted, I will have them inserted in the RECORD as a part of my remarks. I will say, however, that they consist of resolutions of protest by the Arizona Baptist convention.

Mr. BEVERIDGE. Let them be read.

Mr. BARD. Very well, I will send the communications to the desk. I ask that the resolution only be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolutions of protest by the Arizona Baptist Convention.

At a called meeting of the board of managers of the Arizona Baptist Convention held in Phoenix, Ariz., December 31, 1904, the following preamble and resolution were unanimously adopted:

Whereas a bill has been introduced in the United States Senate providing for the admission to the Union of Arizona and New Mexico as one State:

*Resolved*, That we respectfully and most earnestly protest against the proposed merging of the two Territories as being unjust, unwise, and impolitic, believing, as we do, that it would provoke antagonism which would be detrimental to the interests of both Territories to unite two Commonwealths so separated by natural, political, racial, and religious barriers.

LEWIS HALSEY,

*President Board of Managers of the Arizona Baptist Convention.*

Attest:

GEORGE H. BREWER, *Secretary.*

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. I do.

Mr. BEVERIDGE. I had assurance from the Senator that he would yield before I rose to address the Chair.

Accepting at its face value, and more, the statement of the Senator from California, upon the authority which he cites in



support of it, that the people of Arizona are practically a unit against this bill, and the statement which he quotes from the governor of New Mexico that the people of New Mexico are practically a unit against the bill, I ask the Senator what harm can come from submitting this question to the people themselves, and letting the people themselves say at the ballot box whether they want this or whether they do not, and whether or not that would not be a more accurate expression of their desires than the statements of governors appointed over them?

Mr. BARD. Mr. President, I have anticipated a little further along in my speech the question of the Senator from Indiana—

Mr. BEVERIDGE. Very well; I am willing to let it go.

Mr. BARD. And when I come to it I will direct his attention to the remarks in reply to his question.

Mr. BEVERIDGE. If I had known that the Senator was going to take it up I would not have said anything on the subject. It merely occurred to me, I will say to the Senator from California, that there could not be any harm in hearing from the people themselves, since this bill could not possibly become effective if it is true, as the authorities he quotes say, that the people themselves are against it.

Mr. FORAKER. If it does not interfere with the Senator from California, I should like to ask the Senator from Indiana a question at this point.

Mr. BARD. I yield.

Mr. FORAKER. And that is whether or not the Senator from Indiana will contend that a majority of the people in each of those Territories, New Mexico and Arizona, are in favor of statehood by consolidation?

Mr. BEVERIDGE. Will the Senator from California permit me to answer the question of the Senator from Ohio?

Mr. BARD. Certainly.

Mr. BEVERIDGE. I will say, in answer to the question of the Senator from Ohio, that I do not contend that or the reverse. I contend for what the bill which was passed by the House and came to this body proposes—merely that the people of this country shall hear from the people of the Territories themselves as to whether they wish this bill or not, and not from those who assume to represent the people. For fifty years we have heard what politicians said the people wanted, but never have we heard the people themselves say what they wanted. That is what I contend for.

Mr. BARD. Mr. President, in the history of legislation on this subject there has never been a case where Congress has acted except upon evidence that the people were applying for admission to the Union as a State. I will proceed.

As originally constituted, the Territory of New Mexico, including Arizona, contained 235,380 square miles; larger than any other State or Territory, except Texas, nearly 50 per cent larger than California, and two and one-half times as large as the Territory of Oregon. There is good evidence to show that Congress had anticipated the necessity of dividing the Territory of New Mexico, for in the act of September 9, 1850, creating the temporary government of the Territory, it is provided that when admitted as a State the said Territory, *or any portion of the*

same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission, and also—

That sections 16 and 36 in each township in said Territory shall be reserved for the purpose of being applied to schools in said Territory and in the State and Territories hereafter to be erected out of the same.

One of the same reasons given then for desiring separation is given now for remaining separate Territories, namely, that the combined area of the two Territories is too great for convenient and economical governmental administration; and this is insisted upon now, though the facilities for intercourse between the sections are greatly improved by railroads and telegraph and telephone lines.

New Mexico alone has an area larger than the aggregate area of England, Scotland, Ireland, and Wales.

New Mexico and Arizona together have an area equal to the area of all the thirteen States on the Atlantic seaboard from Maine to South Carolina, or equal to the aggregate area of New York, Pennsylvania, West Virginia, Ohio, Kentucky, and Indiana.

These two Territories are a part of the territory which was ceded by Mexico under the treaties of Guadalupe Hidalgo and for the Gadsden purchase.

The great State of Texas, having an area of 265,780 square miles, was also originally Mexican Territory. Along the international boundary between Mexico and the United States, from the mouth of the Rio Grande, at the Gulf of Mexico, to the southwestern corner of California, on the Pacific Ocean, lie the State of Texas, the Territories of New Mexico and Arizona, and the State of California.

The distance between the two extreme points named, following the boundary, is about 1,500 miles. Such a line stretched from the most northeasterly corner of Maine on the Atlantic would reach to the Florida keys.

These four border States and Territories—Texas, New Mexico, Arizona, and California—have an aggregate area of about 660,000 square miles, which is 22 per cent of the whole area of continental United States—equal to the aggregate area of all of the six New England States and New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, and Indiana, represented in this Chamber by twenty-eight Senators, while the same area of the Mexican border States are represented here by only four Senators.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Can the Senator state, if he has the figures at hand, what the respective populations of those respective areas are?

Mr. BARD. I have not the figures.

Mr. BEVERIDGE. I ask that question because I assume that the Senator does not contend that this is a Government of areas, but a Government of people.

Mr. BARD. I have not the information at hand.

Mr. TILLMAN. If the Senator from California will allow me, I would suggest to the Senator from Indiana that this



body is peculiarly a representative of entities, representing area and not population.

Mr. BEVERIDGE. Of course I do not want to interrupt the Senator from California; I thought perhaps he had the figures at hand, and that is the only reason why I do not answer the pointed observation of the Senator from South Carolina. I merely thought perhaps the Senator from California had the figures and could put them in.

I will be very glad to take up the other subject at some other time.

Mr. BARD. I am sorry I have not the information, but I will remind the Senator from Indiana that the territory with which I have contrasted these Mexican boundary-bordering States is a thoroughly American community——

Mr. BEVERIDGE. Certainly.

Mr. BARD. That it has had great advantages, varied development; and there is no comparison in some respects between the two areas.

Mr. BEVERIDGE. That is true.

Mr. BARD. The Territories of Arizona and New Mexico are *inchoate States*, entitled sooner or later to become members of the Union of States. If they are not yet prepared for statehood, Congress may justly deny their application; but Congress can not justly unite them if the proper political equilibrium of the various sections of the country is to be preserved.

The people of Arizona, particularly, are, as I have shown, earnestly protesting against the passage of this measure. Through fear of the consequences and injury which the bill would inflict upon them, they have abandoned all hope that Congress will, at this time, give Arizona separate statehood, though such has been their ambition for a whole generation. In surrendering this hope now Arizona *begs*, but begs in a manner that is *dignified*, though *intensely earnest*, that she may be spared the degradation of the loss of her separate autonomy and identity, and the humiliation of having her boundaries forever effaced, and forgetting in her distress the rights that she may claim, almost pitifully says, "rather than incur the impending disaster of a joint statehood with New Mexico, we request Congress *to allow us to remain* as a Territory of the United States."

But, Mr. President, no one can with propriety ask here in behalf of the people of Arizona that only their wishes or preferences shall guide Congress in its consideration of this measure. I realize that Congress, in considering such measures, has a duty to perform to the whole people of the Nation as well as to the people of the sections of the country whose interests are more particularly involved.

It devolves now upon the Senate to determine whether or not there is any *injustice* in the provision of this bill which attempts to unite Arizona and New Mexico in statehood; and if there be any such injustice, whether it shall nevertheless be permitted.

Congress has undoubtedly the power to do what it will in respect to the government of the Territories, and there is no power or authority on earth to question that right. There is no

court to which the question could be appealed. It is generally admitted, as Judge Cooley has said, that—

the people, *except as Congress shall provide therefor*, are not of right entitled to participate in authority until the Territory becomes a State.

And that—

while Congress will be expected to recognize the principle of self-government to such extent as may seem wise, its discretion alone can constitute the measure by which the participation of the people can be determined.

But it has been the practice of Congress, from the earliest times, since the adoption of our Constitution, to create temporary governments for the Territory; and though there have been different forms of Territorial government, in every case there is implied in the acts creating them that the governments are to be succeeded by permanent governments, and that the people shall emerge eventually from their temporary pupillage and partial dependence into the full growth of statehood.

In every treaty of cession to the United States by which additional territory has been acquired, except for the purchase of Alaska, Porto Rico, and the Philippines, the United States Government obligated itself to incorporate the inhabitants into the American Union as soon as consistent with the principles of the Constitution. The period of pupillage varies: Kansas, 4 years; California, none; Michigan, 32 years; Utah, 44 years; Nebraska, 36 years. New Mexico and Arizona have existed under Territorial government 54 years.

These acts creating Territorial governments are modeled upon the principles embodied in the ordinance of 1787, which the Constitution left in force. The ordinance was adopted July 13 of that year by the Congress of the Confederation, sitting in New York, when the convention that framed the Constitution of the United States, sitting at Philadelphia, was in the very middle of its great work.

There can be no doubt that the eminent members of the Congress and of the convention were constantly conversant with all that was transpiring in either body. It may be reasonably surmised that before the convention framed Article IV, section 3, of the Constitution it had regarded with great interest the proceedings in the Congress while it was engaged upon the formulation of that noble and notable instrument known as the "ordinance of 1787," providing a government for the Northwest Territory and for the three or five States which were to be formed out of that Territory.

An examination of this ordinance and particularly of the older forms of the ordinance, adopted in 1784, will show that the Congress regarded the subdivisions of the Territory as "*States*" and called them by that name when referring to them even before a temporary government had been formed in them. And so to this day we are in the habit of regarding and referring to our Territorial organizations as embryonic States, which are eventually, at such time and under such conditions as Congress may deem proper and necessary, to receive authority to form a permanent constitution and State government, and to be entitled to be admitted into the Union on an equal footing with the original States in all respects whatever.



It is to be remembered that Article V of the ordinance provided that "There shall be formed in said Territory not less than three nor more than five States," and then it goes on to define with minuteness the boundaries of the three States, but provides that these boundaries shall be subject so far to be altered that if Congress shall hereafter find it expedient it may form one or two States in that part of the Territory which lies north of an east and west line drawn through the southern bend of Lake Michigan.

This division of the territory was in the main adhered to when Congress created the temporary governments of the Territories of Ohio, Indiana, and Illinois; and the three States which bear those names are substantially the same in territorial dimensions as the three States described in the ordinance of 1787.

This Article V, fixing the boundaries of the States within the territory is one of the articles which the ordinance declared shall be considered as articles of *compact* between the original States and the people *and the States* in the territory, and which shall forever remain *unalterable* unless by common consent.

Alongside of the articles which assured to the settlers in the Northwest Territory, freedom of worship or religious sentiment, the right to the benefits of the writ of *habeas corpus*, the right of trial by jury, and the free navigation of the large rivers, is to be found this Article V, which, in express terms, provides that—

Whenever any of the said States in the said territory shall have 60,000 inhabitants therein, such State shall be admitted, by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever.

The admission of the States was conditioned *only* upon that qualification of population and that the constitution and the government so to be formed shall be republican. There was no reservation to Congress of discretionary power to consolidate two of the States in the territory, and no joining of two States was ever attempted.

And remembering these facts, that the convention and the Congress were sitting at the same time, that the ordinance referred to the subdivision of the Territory as *States*, and that it reserved to Congress no discretionary power to form a new State by the junction of two or more States within the Territory, we may find some new significance in its language, while we read again Article IV, section 3, of the Constitution of the United States as follows:

New States may be admitted by Congress into the Union, but no new State shall be formed or erected within the jurisdiction of any other State, *nor any State be formed by the junction of two or more States or parts of States* without the consent of the legislature of the State concerned, as well as of Congress.

Mr. President, I do not argue that the constitutional injunction forbidding the formation of any State by the junction of two or more States applies as well to the formation of a new State by the junction of two Territories. Nevertheless, in view of the fact that, in the ordinance of 1787, and that in almost all of the acts of Congress creating Territorial governments since the adoption of the Constitution and down to the present day,

the Territories are referred to as *States*, there does seem to be *some* foundation for such a construction of the article of the Constitution which I have just read. But that is not my argument here. I am contending that the *principle* and the *rule* of the constitutional provision which forbids the formation of a State by the junction of two States have *already* been made to apply to the case of Arizona and New Mexico, and that by its own enactment of law Congress is enjoined from forming a new State by joining them without the consent of the people of each and both of these Territories.

And I am showing, Mr. President, that the people of Arizona, through their Delegate and otherwise, are protesting, and have right to protest, against the enactment of this measure on the ground that it would be a violation of a compact made and existing between Congress and the people of that Territory.

I will attempt to show that the *status* of the people of Arizona is different from the status of the people of any other Territory of the United States, now existing or that has been created since the beginning of the last century; that their present autonomy and their ultimate right to statehood rests not upon uncertain construction, but is expressly guaranteed by an act of Congress having the same force as the charter of compact embodied in the ordinance of 1787 in respect to the people then inhabiting the territory northwest of the Ohio. Out of the territory of the Northwest Ohio was established as a State in 1802 and there were created, from time to time, other Territories for which separate governments were established by Congress—first, Indiana Territory in 1800; Michigan Territory in 1805, and Illinois Territory in 1809.

In the separate acts creating these three Territories, it provided that there should be established within the said Territory a government in all respects similar to that provided by the ordinance of 1787; "and the inhabitants thereof shall be entitled to and enjoy, all and singular, the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River" by said ordinance.

And finally, on April 20, 1836, Congress passed the act establishing the Territorial government of *Wisconsin*, which was also a part of the Northwest Territory; and this act also specifically extends to the inhabitants the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio by the articles of the compact contained in the ordinance of 1787.

But we find, however, that Congress, for the first time in the history of the creation of Territorial governments, provided in the act creating the Territory of *Wisconsin* that—

*"Nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories in such manner and at such times as Congress shall, in its discretion, deem convenient and proper; or from attaching any portion of said Territory to any other State or Territory of the United States."*

Such proviso was, in effect, a reservation of discretionary powers in Congress; and it forms a precedent which has been followed in all of the acts creating Territories of the United States since the act creating the Territory of *Wisconsin* in



1836 down to the present day, except in the case of the Territory of Washington, in which the proviso is omitted entirely, and in the case of the Territory of Arizona, where reservation of the power of Congress to *attach any part of its territory to any other State or Territory* is omitted.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that particular branch of his very interesting argument, I beg leave of the Senator to make a statement which will complete the history of that.

Mr. BARD. I have not completed it yet.

Mr. BEVERIDGE. I will ask the Senator if it is not true that when the ordinance of 1787 was originally drawn it provided for ten States out of the Northwest Territory, giving their delimitations, and that Congress itself changed it from ten States to five States, thus beginning the policy of Congress, which has been continued since, of making the States progressively larger; and whether it is not true that the original subdivision of the Northwest Territory into ten States, which was rejected by Congress, was urged upon the ground of maintaining equilibrium upon the part of this new territory and the States east of the Alleghenies, and was rejected by Congress and made into five States instead of ten because they did not think that position was tenable?

Mr. BARD. I am unable to tell the Senator what was the reason for it.

Mr. BEVERIDGE. What was done was that originally it was proposed to make ten States out of the territory of which there are now five, and Congress, by committee, the chairman of which was an ancestor of a Member of this body, rejected that plan as originally drawn and adopted the plan of five States, upon the theory, even at that early time, that there were States in the Union which were entirely too small. In this portion of his very interesting and well-connected historical address, I thought perhaps the Senator from California would not object if I put in that statement.

Mr. BATE. Before the Senator from Indiana sits down, with the permission of the Senator from California, I should like to ask a question.

Mr. BARD. Certainly.

Mr. BATE. Is it not true that the territory embraced within Arizona and New Mexico is larger than all the five States or the ten States he speaks of—aye, nearly twice as large?

Mr. BEVERIDGE. With the permission of the Senator from California, I should be very pleased, indeed, to answer the question of the Senator from Tennessee, but I fear I should want to answer it more comprehensively than would be quite courteous to the Senator from California in his time.

With the permission of the Senator, I may state, however, in answer to the question of the Senator from Tennessee, that this new proposed State is much less in area than the State of

Texas; that the distances are not so great as at least in two other States of the Union.

Mr. BATE. They have a right to divide it up into five States, a right not given in this bill.

Mr. BEVERIDGE. Yes; and if it is desired that there shall be more Senators from that section of country, why does not Texas, well settled and well populated, avail herself of that opportunity and send ten Senators here?

Mr. BARD. I have just quoted, from the act creating the Territory of Wisconsin, what is a reservation of discretionary powers in Congress, and this forms a precedent. This proviso with reference to Wisconsin—I want to be particular—this proviso with reference to Wisconsin is found to be identical as to phraseology with that of the act of June 12, 1838, creating the Territory of *Iowa*; the act of August 14, 1848, creating the Territory of *Oregon*; the act of March 3, 1849, creating the Territory of *Minnesota*; the act of September 9, 1850, creating the Territory of *New Mexico*, and on the same date the act creating the Territory of *Utah*; the act of March 30, 1854, creating the Territory of *Nebraska*, and on the same date the act creating the Territory of *Kansas*; the act of February 28, 1861, creating the Territory of *Colorado*; the act of March 2, 1861, creating the Territory of *Nevada*, and on the same date the act creating the Territory of *Dakota*; on March 3, 1863, creating the Territory of *Idaho*; the act of May 26, 1864, creating the Territory of *Montana*; act of July 25, 1868, creating the Territory of *Wyoming*, and the act of May 2, 1890, creating the Territory of *Oklahoma*.

Congress has several times exercised its discretionary power thus expressly reserved to *divide* a Territory, as in the case of the division of the Territory of Dakota, of which two States were formed, and in the case of the original Territory of New Mexico, of which Arizona was at one time a part, and also in the case of Utah, which was originally bounded on the west by California, but out of which the State of Nevada was taken, and in the creation of the Territory of Iowa out of a portion of Wisconsin.

But Congress has rarely exercised its power of attaching a portion of a Territory to any other State or Territory. The new Territory of Idaho, organized in 1863, included within its boundaries a part of the Territory of Washington, though the right to attach a portion of Washington Territory to any other State or Territory was not reserved in terms in the act creating that Territory.

The fact that this proviso is found in all of the acts creating many of the Territories certainly indicates that Congress regarded it *necessary* to specifically make a reservation of the right to divide the Territory or to attach portions of it to other States, which right otherwise would appear to be waived by the act of Congress creating a Territorial government in which the autonomy of the people is recognized.

If it be admitted that it was *necessary* that such reservation of the right to attach portions of the Territory to any other State or Territory should be specifically made, then it follows that the *omission* of such a reservation in the act creating the Territory of Arizona implies that Congress intended to give to



the people of Arizona an assurance that no portion of their Territory will ever be attached to New Mexico or any other State or Territory.

It is true that Congress has, under the Constitution, plenary power to govern the Territories; but a Government such as ours, when dealing with dependent territory, will exercise such power only according as its wisdom shall deem politic, wise, and just, having regard for the interests of the inhabitants of the territory as well as for the common weal. Congress exercises such power *without qualification* when it governs *newly acquired* territory. It sometimes establishes for such territory military or provisional government, or a government by an executive and judges appointed by the President, who together constitute the legislature for the territory. In such a government the people do not participate.

But in a Territorial government, such as that of New Mexico or Arizona, Congress provides that the executive and the judges shall be appointed by the President, but it gives to the *people* the right to elect the legislature; and the authority conferred upon the legislature extends to all rightful subjects of legislation not inconsistent with the Constitution and the laws of the United States, and such laws stand unless disapproved by Congress.

The granting to the people by Congress of a part of its constitutional power to govern the Territory brings into play the doctrine of the consent of the governed, and creates an autonomy which never has been revoked and never ought to be revoked.

This autonomy belongs to the people "*within the Territory*" of Arizona as it is now constituted and they can not be justly deprived of it in the manner proposed by this bill. Congress has reserved the right to change the boundaries and to divide the Territory of Arizona, but it has *not* reserved the right to revoke or to discontinue its grant to the people of the limited right of local self-government without the consent of the people.

Let it be observed that Congress has never, in any act creating a Territorial government, reserved to itself the discretion to attach the *whole* of one Territory to another Territory, or to consolidate the governments of two Territories. If it be contended that the right of Congress to unite the *whole* of one Territory with another, as proposed by this bill, is unquestionable, then it is pertinent to inquire, Why was it necessary or important for Congress, in almost all of the acts creating Territories, to reserve the right to attach *a portion* of one Territory to another State or Territory?

I have said that the precedent formed by these provisos has been followed in all of the acts creating temporary governments of the United States since 1836, except in two of them. One of these exceptions I have referred to as relating to the Territory of Washington, where the proviso is entirely omitted.

The other exception is very remarkable, and I desire especially to call attention of the Senate to the important change in the character and phraseology of this proviso in the case of the act of February 24, 1863, providing a temporary government

for the Territory of Arizona, which, as it will be remembered, had been a part of the Territory of New Mexico.

The Arizona proviso is as follows:

*Provided*, That nothing in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

This reserves to Congress the power to divide the Territory and follows the precedent to that extent only; but it omits the usual reservation of the right to "*attach any portion of the Territory to any other State or Territory of the United States*," which is contained in every one of twelve acts creating Territorial governments passed by Congress from 1836 to 1863, excepting only the act relating to the Territory of Washington.

This omission is notable, and its significance is accentuated by the fact that, in the act providing for the temporary government of the Territory of *Idaho*, passed in the same session of Congress and about one week later, the usual proviso reserving the right of Congress to *attach* portions of the Territory to any other State or Territory was retained. And the identical proviso contained in the act creating the Territory of Idaho, as well as in the twelve Territorial acts before 1863, is also contained in the later acts of 1864, 1868, and 1890, creating the Territories of Montana, Wyoming, and Oklahoma.

I contend, Mr. President, that this notable omission of the reservation to Congress of the discretion to *attach* any portion of the Territory to any other State or Territory, in the case of Arizona, supports my contention that it was the intention of Congress to give to the people of the Territory of Arizona an assurance that the Territory would never again be joined to that of New Mexico.

In view of the circumstances, it is impossible to believe that the reservations of the right "to change the boundaries" of Arizona could be construed to mean a reservation to Congress of the right to consolidate the whole of the Territory with another State or Territory.

But, Mr. President, there is something even more remarkable and important in the act providing a temporary government for the Territory of Arizona; and I *rely* upon it, mainly, to support my contention that there exists a compact between the United States and the people of the Territory which forbids Congress to pass this measure—and I am gratified to observe that I have at this point the attention of Senators.

The act contains a second proviso, which reads as follows:

*Provided further*, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

You will look in vain for any similar provision if you expect to find it in any of the acts creating Territories passed since 1822. You must go back and examine the ordinance of 1787 or the acts creating the separate Territories of Ohio, Indiana, and Illinois, originally parts of the territory northwest of the Ohio, to find any legislation by Congress which in the least resembles it.



This second proviso in the act creating the Territorial government of Arizona is remarkable in that it is the only legislation since the beginning of our Government which recognizes, *in express terms*, the right of the people of any Territory, sooner or later, to form a State government and apply for and obtain admission into the Union as a State. Indeed, the *subject* of statehood is not even mentioned in any other act creating a Territorial government except in the acts creating the Territories of New Mexico, Kansas, and Nebraska; and in them the only reference to statehood is in the proviso which I have already quoted, and which for sake of emphasizing the reference I quote now once more. It reads as follows:

*And provided further, That when admitted as a State the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.*

There is neither mention of, nor reference to the subject of admission of a State to statehood in any of the acts creating the Territories of Missouri, Alabama, Arkansas, Louisiana, Wisconsin, Iowa, Oregon, Minnesota, Utah, Washington, Colorado, Nevada, Dakota, Montana, Wyoming, or Oklahoma.

But this second proviso in the act creating the Territory of Arizona not only recognizes, by express terms, the right of the people residing in said Territory, ultimately, with the consent of Congress, to form a State government and apply for and obtain admission into the Union as a State, but it assures the people that the temporary government so formed shall be "*maintained and continued* until the people residing in *the said Territory of Arizona*" shall take the initiative to form a State government.

I have called the proviso a compact between the Congress and the people of the Territory of Arizona, similar to the Articles of Compact contained in the ordinance of 1787, which assured to the inhabitants of the territory northwest of the Ohio certain important rights, privileges, and advantages, among which was the right to maintain the boundaries of their separate States or Territorial subdivisions, and eventually to be admitted as States of the Union.

Is there any difference, in point of obligation and national faith, between an ordinance and such a proviso as is found in the act creating the Territorial government of Arizona? Will anyone contend that the difference in the forms of contract is material? Are not the ordinance and the acts of Congress of equal force? Will it not be as gross a violation of good faith for Congress to ignore its solemn agreement with the people of Arizona and compel them to submit to the conditions which this bill imposes as it would have been for Congress to ignore the ordinance of 1787 in the creation of Territories and States in the territory northwest of the Ohio?

The people of Arizona are *not* applying, and have *never* asked Congress for the privilege of again becoming united with New Mexico, or thus united, of becoming a part of a State. On the contrary, they are entering a vigorous protest against this bill.

I regret that the Committee on Territories did not preserve in writing the testimony given at its hearings on this bill in the

early part of this session of Congress; but, being a member of the committee, I am justified in stating that there appeared before the committee Governor Brodie, the present governor of the Territory of Arizona; Mr. Wilson, the Delegate in Congress from Arizona, and Mr. B. A. Fowler, a well-known resident for many years of Arizona, and who was the Republican candidate for Delegate at the last national election.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Indiana?

Mr. BARD. Certainly.

Mr. BEVERIDGE. The Senator will do the committee of which he is a member the justice to observe in this connection that no member of the committee of either party requested that the hearing should be taken down stenographically—

Mr. BARD. That is true.

Mr. BEVERIDGE. And that the hearing followed many months of hearings in the House. Of course, if the Senator had requested it, it would have been done.

Mr. BARD. That is very true.

Mr. BEVERIDGE. Nothing was neglected.

Mr. BARD. I am to be blamed, perhaps, because I myself did not request it.

Mr. BATE. I beg in this connection, with the permission of the Senator from California, to state that all the members of the committee were not present. I ask the Senator from California if there was any opponent of the bill in the committee at the time except himself?

Mr. BEVERIDGE. And the Senator will also do the chairman the justice to say that he had notified the members both formally and by telephone and in person.

Mr. BATE. Certainly; but of the minority there were only two here, who attended when we could; the other two were absent, and they are not here yet.

Mr. BARD. I do not think it will be proper for me to speak of what occurs in my committee or the debates which occurred between members, but I think I am justified here merely in introducing into my remarks what I think every member of the committee who was present will corroborate.

Mr. BEVERIDGE. There is no objection to that.

Mr. BARD. Certain persons appeared there and gave certain testimony, but in the absence of our usual means of obtaining that knowledge and presenting it to the Senate I am justified in giving the information thus obtained to the Senate.

Mr. BEVERIDGE. There is no objection to that; and, furthermore, I will corroborate any statement the Senator from California may make as to the gentlemen who appeared at the hearing and what they said, because he will make a correct statement of it. I only rose in justice to the committee to observe, and I thought it proper that it should go in the Senator's remarks, that if the hearings were not preserved stenographically it was because no member asked for it.

Mr. BARD. That is true.

The governor and the Delegate are the official representatives of the people of the Territory; and Mr. Fowler, by

reason of his long residence and of opportunities recently afforded him, has ascertained the sentiment of the people of Arizona with reference to this matter. All joined in the statement that the people of Arizona are almost, if not entirely, unanimous in their protest against the passage of this bill.

These representatives of Arizona admit that the majority of the people of Arizona understand that it is not probable that Congress can be convinced now that the Territory has yet reached that degree of preparation which fits it for statehood. They also stated that the people of Arizona, rather than to be joined with New Mexico as a single State, will prefer to remain for an indefinite period under their present Territorial government; and they offered the assurance that, if this measure were defeated, Arizona would not again apply for admission to the Union of States, at least until after the next decennial census shall be taken.

I now call the attention of the Senator from Indiana to what follows, for I think it will be a reply to his inquiry a few minutes ago.

It is said that it is not the purpose of this bill to *compel* Arizona to unite with New Mexico into one State, but that it simply gives the people of the two Territories the privilege and opportunity of coming into the Union in that manner, if they desire to do so.

But this is disingenuous and misleading; for, in the last elections for delegates, Arizona cast only 19,667 votes and New Mexico cast 43,011 votes, while Arizona has only 31,677 registered voters, and New Mexico has 64,422 registered voters; and therefore it is plain that under the scheme of this bill the fate of Arizona depends not upon her own people, but upon the wishes and the interests of the electors of New Mexico.

The bill substantially proposes an arbitrary submission to the electors of the two Territories, jointly, the question whether Arizona (which has been assured by Congress of a separate autonomy) shall, without the consent of her people, be joined with New Mexico in a new State. Even though the vote of Arizona should be cast unanimously against the adoption of the proposed constitution, nevertheless it would be within the power of the voters of New Mexico to force upon Arizona people the acceptance of the new State government.

The measure proposes to give Arizona a representation in the constitutional convention of only 44 delegates, while New Mexico, whose separate autonomy is in no degree superior to that of Arizona, is given a representation of 66 delegates. Such ratio of 3 to 2 is based upon the aggregate population of the two Territories; but the inequality in representation in the convention of the two political *entities* would be unjust.

The constitution of the proposed new State of Arizona must provide for the adjustment of the differences in the customs, the civil procedures, and the debts of the respective Territories. Emphasis has been given in the memorials protesting against the jointure to the *differences* that exist between the two peoples in respect to their race origin, their local customs, habits, and institutions, their ideals and ambitions. Now, under such circumstances the Arizona delegates in the constitutional con-



vention would be utterly powerless to secure a fair adjustment of these differences.

The bill sets before the people of both Territories, as a consideration for their acquiescence, the seductive offers of the grant of public lands larger in area than has ever been granted before to a new State at the time of its admission and also the grant of \$5,000,000 in ready money.

When the proposed constitution shall be submitted there will be called at the same time, as is usual in such cases, an election for State, county, and township officers. Think of the candidates, estimated at 1,000 in number, who will be interested in the result, and of the conversions they will make for adoption of the constitution, in order that their candidacy shall not be without results. Qualified voters of both Territories, under such conditions, will be seduced, and, throwing their convictions to the winds, will vote for the constitution in order that their friends or the hundreds of candidates of their party may win the offices.

When in the history of our Republic has a community of American citizens so considerable in number and having their own organized government ever been treated as this bill proposes to treat the people of Arizona?

Mr. President, American communities, and especially those who have blazed the way for the advance of American civilization, enduring the hardships of frontier life, and consecrating their energies of mind and body to the development of the West and the establishment there of American laws, customs, and institutions, are naturally proud of their achievements, their history, and their traditions.

The bill proposes to give the name of Arizona to the proposed new State. It is impossible for such a proud, liberty-loving community of American citizens to be conciliated by such a proposition, or even to receive it with patience.

On the contrary, they will resent such a proposition as a mockery of their distress and an outrage upon their sensibilities as a people. The preservation of the identity of the people of a community can be accomplished only by the preservation of its territorial boundaries. Such use of the name of Arizona is no compliment to them and can not be a compensation to them for the loss of their identity as a separate people.

Some of the people of Arizona regard their Territory as, in a measure, the ward of California, and the commercial and social relations between these two peoples are very close. As my residence is in the southern part of California, which is especially thus closely connected with Arizona, I have opportunities of knowing the sentiment of the people in respect to statehood.

I am pleading for Arizona; not that she may *now* be exalted to the rank and dignity of a sovereign State of the Union, but that she may be spared the humiliation of being deprived of her separate autonomy, which has been recognized for more than forty-one years, and that she may not suffer the degradation which this bill proposes to inflict by forcing her people, against their wishes and protest, under circumstances which are beyond their power to prevent, and upon unequal terms, to be joined forever with her sister Territory of New Mexico.

And I am pleading, also, for the honor of the Congress, that there shall be no violation of good faith with which, as I firmly believe, it can justly be charged if it ignores, as this bill proposes, the compact contained in the act creating the Territory of Arizona, between Congress and the people residing in that Territory.

The repudiation by our Government of any of its obligations or promises would be a reproach to our people, and must inevitably have serious consequences.

The saddest in the train following the violation of its faith by any government will be the patriotic citizens who are shorn of their confidence in the efficiency and honesty of the administration of their government and weakened in their faith in the strength and wisdom of their institutions.

The people believe that "righteousness exalteth a nation." And, Mr. President, I submit that to the minds of the common people of this country this bill will not appear to be righteous. They will be able to put no other construction upon the provisions in the act creating the Territorial government of Arizona, to which I have referred, than that it was a solemn guaranty that for all time the people of Arizona may of right enjoy within their present territorial boundaries a continuous separate autonomy and ultimately to become a sovereign State in the Union, and that to despoil them of such right is unjust, unwise, and dishonorable.

The amendment which I shall offer proposes to strike out sections 19 to 37, inclusive, being all of the provisions of the bill relating to the Territories of Arizona and New Mexico.

If the amendment shall be accepted by the Senate, then the proposition for the admission of the new State of Oklahoma would stand alone, and it is quite evident that Senators are almost of one mind on that question.

Two years ago I opposed the admission of Arizona and New Mexico as separate States, but *now* I would support such a proposition with my vote if by so doing I could prevent their admission jointly.

And, in conclusion, I suggest that if it is wrong to expose the people of Arizona to the possible danger of being forced, against their will, into a union with New Mexico and if such wrong be consummated by the passage of this bill such wrong can never be undone.















carce 357  
2.

# ADDRESS

. OF

GEO. C. BATES, Esq.,

WHICH HE WAS

PREVENTED FROM DELIVERING

At Sacramento, on Saturday, April 19th, 1856,

BY A MOB.

— ♦ —  
"Hear me for my cause,  
And be silent that you may hear!"  
— ♦ —

SAN FRANCISCO:  
O'MEARA & PAINTER, CITY PRINTERS,  
132 CLAY STREET, NEAR SANSOME.  
1856.





# ADDRESS

## TO THE PEOPLE OF CALIFORNIA.

---

### FELLOW-CITIZENS OF CALIFORNIA :

Almost four years have now elapsed since having just then landed a stranger upon the shores of the Pacific, I had the honor of an introduction to the hardy pioneers, the industrious miners, the sturdy farmers, and the enterprising merchants of this beautiful City of Sacramento. Having spent the whole period of my life, since the year previous to my majority, in the great North-West, and having there joined the early emigrants to Michigan, Illinois, Indiana and Wisconsin, many of whom had migrated to California, I found here, in this beautiful valley, a cordial and a Western welcome. Many a bronzed visage—many a hard hand—many an honest embrace told me that in leaving the shores of the great Lakes, and turning my back on kindred and friends, and taking up my new position on the borders of the beautiful Pacific, that I should still be at Home ; among a bold, enterprising and adventurous people, who here, as there, (however widely they might differ on questions of public policy) were still amidst the valleys and the mountains of California as they had been among the Oaklands of Michigan, the prairies of Illinois, or the Lakelets of Wisconsin, no less true to the rights of hospitality and courtesy, than they were faithful to their religious creeds, or unyielding in their attachments to political sects or parties. The latch-string at Sacramento was in those days always outside the door, and all entered only to find themselves welcome guests, and go where one might, however diverse were the political prejudices or antecedents of those he met, everywhere there was found a *cordial*, a *sincere*, an *honest* WESTERN welcome. That was the first political meeting ever attended by me on the Pacific, and this, in all human probability, will be the last one.

What changes have occurred since that day?—that evening in September, 1852? Then as now, indeed, the same gorgeous canopy of a California evening sky was over and around us; then as now, this night, the silver moonbeams brighter than ever shone upon the gondolas of Venice, or reflected back from the bay of Naples, lightened up the waters of the American and the Sacramento, and brought out in bold relief the dark back-ground of the Sierra Nevadas, their summits, as on this night crowned like the classic head of old Soracte, with the eternal snow of never-changing winter; then, as now, around were gathered a band of men full of energy, full of ambition, full of hope—young, active, noble freemen, who, having deserted the comforts of their Atlantic home, risked the dangers of the Plains, or encountered the storms of the Caribbean, defied the fevers, the damps and the pestilential vapors of the Isthmus, and then wafted on the quiet and gentle waves of the Pacific, were here to show what American energy, American industry dared to undertake and resolved to accomplish. And yet, with these same scenes around and above us, with many who were then here, as now, our companions and friends, how wonderful the change. Since then, Sacramentans, what have you not suffered? What have you not dared? What have you not overcome, and what is the contrast that this moonlight scene now reveals and develops? Twice hath the devouring element of fire swept through this valley and melted all it touched with fervent heat, almost destroying your landmarks; mowing down, as with a glittering-scythe, your dwellings and your temples, your school houses, and your workshops, and yet, ere the ashes ceased to smoulder and the sparks were extinguished, outstripping the fabulous accounts of the restoration of Phœnix, your city rose from its ashes more beautiful, more massive, more prosperous than before. Time rolled on—wealth was accumulated, population increased, past losses and misfortunes forgotten and overcome; when the “windows of Heaven were opened upon you, and the fountains of the great deep were broken up; and the rain was upon the earth,” and the dark waters of the American and the Sacramento, heaving, and tumbling, and foaming, overwhelmed their banks, and, like mad coursers, overleapt your levees and your dikes, and ill-fated, enterprising, beautiful Sacramento was for the time obliterated, washed out from the map of California. Not so—not so. Her hardy citizens, amidst dangers and trials enough to overwhelm the boldest, driven with their wives and little ones first from the ground floor to the second story, then even to the tops of their houses, their streets converted into huge canals, traversed by

men intent on the security and salvation of the city, in gondolas less beautiful, but as necessary, as those in Venice ; planned ere the flood had reached its height, or the last vestige was swept away, the necessary guards to arrest the waters in their mad course, and ere the sun had exhaled the pools and the ponds inside the levee, Sacramentans were at work—bold, cheerful, contented and happy. And now, after enduring these repeated disasters ; after having replaced what the elements had so often destroyed, look you around this beautiful city, and tell me if in the history of American enterprise, such a monument was ever reared to the industry, to the fortitude, to the energy, to the intelligence of any people. As I wandered this morning at sunrise amidst your beautiful gardens, “decorated with a shrubbery that Shenstone, indeed, might have envied, and listened amid your groves to the music of the birds that would have charmed Calypso and her nymphs ;” as I saw here and there, those beautiful temples whose pointed spires declare that they were dedicated to God ; your School Houses, ready for the training of your little ones ; the Capitol, where the representatives of the people of our State are gathered ; the Court House where, in the highest tribunal of the State, pure justice alone should be administered, all crimes punished, and immoralities and vices of every kind sternly rebuked ; and, above all, when the shrill shriek of the locomotive startled me from the reverie, I could but exclaim “How wondrous this change !”

Aladdin, it is true, hath not been here ; but hardy men, enterprising men, bold and brave men, have more than accomplished what his magic lantern was supposed to be capable of. Verily, citizens of Sacramento, “your lines are cast in chosen places ; verily, you have here a goodly heritage ; a land whose valleys are fat with corn and whose hills are covered with ten thousand flocks ; a land from whose mountains may be digged gold and iron ; a land flowing with milk and honey ;” and you and your children shall possess it for ever. About to leave California finally, I should esteem this wondrous change which I have witnessed here since '52, as worth a visit to these distant shores, had I accomplished nothing else, and however widely you may all differ from any political sentiments that I may utter here to-night, I am certain that you will, one and all, agree with me in this truthful proposition, “that the history of the world presents no such evidence of intelligent persistence under the darkest misfortunes, no such change from the fire and the flood of to-day, to the resurrection and regeneration on the morrow, as this beautiful city now bathed in moonlight, exhibits to our eyes.



But if such have been the physical changes here since that period in 1852, the political events that have transpired in the mean time are not the less startling and wonderful, although the reflections suggested thereby are not cheering or encouraging like those created by the hasty review just taken of the past four years in Sacramento. At that period of time, the only two great political parties which then divided the feelings and principles of the whole American people, had just sounded their trumpets to marshal the respective forces under their chosen leaders. The convulsions that had rocked and agitated the country at the time of the admission of California into the Union, and the organization of territorial governments for Utah and New Mexico, and the amendments made to the law for the surrender of fugitives from justice and from labor, had ceased. The political waves that had dashed and surged around the Constitution until the boldest, and bravest, and wisest of our statesmen stood aghast with terror, had subsided, "and lo, there was a great calm." The favored son of Kentucky, having stood gallantly up in his last days in defence of the Union, had just laid down amidst the groves of his own beautiful Ashland, to rise no more, but left to that country he so much loved and honored, (as he and all, then fondly hoped and believed) future peace and repose, and a finality of the fearful agitation on the question of slavery. And even yet, and here to-night, a voice cometh from his grave rebuking those who, regardless of the Compromise of 1850, have violated a solemn compact, trodden under foot a law that had grown to be as sacred as the Constitution itself, and have once more let loose the imprisoned winds from the North, the South, the East, and the West, of sectional agitation. The great defender of the Constitution, grown greater by his masterly and patriotic exposition of the evils then threatening the country, and the proper remedy therefor in his speech of the 7th March, 1850, had fled to Marshfield for repose from his gigantic labors; and there had received with the complacency of a philosopher, and the proud dignity of the first and greatest of living statesmen and orators, the news that parties like Republics were indeed ungrateful; and that his claims to be chosen as the standard bearer of the Whig party had been basely betrayed and sold by one who is just now the candidate of a party without a platform, and the nominee of a convention without delegates. Cass and Foote, and Douglass, and their compeers, by the aid and the eloquence of Webster, (without which, all their efforts had been entirely fruitless) having carried in triumph the Compromise of '50, had stricken hands with each other and the whole conservative people of

the country, and while receiving from a just and discriminating public their earnest thanks for the bold and manly efforts at that trying period, they proclaimed abroad, through the length and breadth of the land, that the agitating question of slavery was quieted forever, and all the people said "amen."

Webster had shown, as he believed, and "he spoke as no other man ever spake," that every foot of land within the broad bounds of this Republic, had stamped its character upon it forever by the laws of nature and of Congress, that it was surrendered to the slave power, or finally dedicated to freedom; and if he looks down from Heaven this night, upon this country which he so much loved, how does that gray eye flash, and those heavy brows knit with burning indignation at his compeers of the Senate, who only waited for the exit of such men as Clay, Calhoun, and Webster himself, to disregard their own compromise, falsify their own pledges, and violate the solemn compact of 1820.

Could he come down from Heaven and enter that Senate Chamber to-day, clad in the simple costume of an American Senator, in which he chose to die, how would those men who stood by and with him on that great day, (the 7th March, 1850,) when he spoke, not as a partisan, but a patriot — not as a Whig, but a brave, a true American Senator — shrink back in utter fright as he should rebuke them for their revival of all that excitement, which his commanding influence at the North alone enabled them to allay. Little, little did he dream that so soon was the whole field of sectional discussion to be opened again, by an Act as weak and foolish as it was wicked and base; an Act not asked for by the people, or any portion of them; an Act that no human being dreamed of, at the commencement of the first year of Gen. Pierce's administration.

Scott and Pierce had just then been nominated as the Whig and Democratic candidates, and California was invoked to decide between their respective claims to the first office in the gift of a great and free people. They could scarcely be said to be the representatives of different principles, for time and experience had leveled and filled up the great gulf that in '40 had divided the two parties. The tariff had been adjusted, and with the single exception of increased protection to iron and coal interests of Pennsylvania, there was no difference of opinion upon that subject between Whig and Democrat. The sub-treasury had been, by the discovery of gold in California, rendered harmless to business, whilst the every-day rascality of office-holders and public plunderers, especially here, had demonstrated the

propriety of its penalties and its punishments. The necessity of a National Bank had long since ceased, and the unfortunate explosion of the last one and the eruption of 1837, had taught the people never again to desire such an institution. Both parties vied with each other in professions of interest in liberal appropriations for harbors and light-houses, and improvements on the great lakes and Western rivers; and both gave solemn assurance that sufficient donations of public lands should be made to insure a speedy construction of the great work of the nineteenth century—a railroad from the Mississippi to San Francisco. Nay, more, both in their respective platforms or creeds pledged themselves that the fearful wounds of the body politic, so lately cicatrized by the bill of 1850, should never again be re-opened, that henceforth all should be peace, fraternity, equality and liberty. The election of November, 1852, ended, and the subaltern was elevated over the head of the war-worn veteran, who, in youth, had planted our flag on the heights of Queenston and Chippeaway, and in mature age had led his victorious armies in triumph from the sandy shores at Vera Cruz to the glittering halls of the Montezumas; another and a striking proof of the ingratitude of republics.

A son of New Hampshire, who had won anything but glory in the field, nor achieved any well-earned distinction in the Senate, was elected to preside for four years over the interests of the Republic. The creed which he had solemnly embraced by an acceptance of the resolutions of the Baltimore Convention, was, in itself, harmless, if not entirely commendable. The ides of March approached, and standing up at the eastern front of the Capitol, in the presence of the Senate and the Representatives of the United States, and a large concourse of our people, he laid his hands upon the Gospel of God, upheld by the venerable Chief Justice of the highest Judicial tribunal in our land, and there solemnly swore to maintain the Constitution and Laws of the United States, enacted and “adopted to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, secure the blessings of liberty to ourselves and our posterity.” A solemn silence pervaded that august assemblage as the oath was concluded by the President with those emphatic words—“So help me God.” The inaugural followed, and among its other solemn pledges then and there uttered with this oath yet burning on those lips that had kissed the Book of God, was one which the whole country applauded—That “during my administration no act shall be left undone, on my part, calculated to prevent all further agitation of the subject of slavery.”



Noble promise, well worthy a young Republican President, but, alas ! how hath it been redeemed and fulfilled ? and what are now the changes suggested by this brief and superficial glance at the condition of things, politically, as they were three years since ? Nothing was to be done that should in any manner kindle up anew the fires of domestic discord. Would to Heaven that Franklin Pierce had kept his plighted faith to our people ; would that he had remembered his solemn oath of office, to support and maintain the Constitution of the United States and the laws thereof ; then had not American citizens, brethren of one common family, heirs to the rich legacy of the Constitution ; the legitimate descendants of those heroes who, amidst the fires and smoke of the revolution, achieved our glorious independence—stood, as they do this very day on the plains of Kansas, in battle array against each other—brother against brother, friend against friend, neighbor against neighbor, American citizen against American citizen ; then had their been no necessity for the organization of a Republican party in our country, and the humble individual who now stands before you would have remained, as for the last three years, in the quiet and unobserved paths of professional employment, far more congenial to his tastes and more conducive to his interests than the public discussions of political events or party movements, no matter how important they may be. The new Congress of 1852 assembled at Washington in December, 1853, with a very large working majority in both houses of that party, which had secured its triumph by the adoption of the Baltimore Platform, and by the fair promises uttered through their President elect on the 4th of March, 1853. The Whig party, as such, had become almost if not quite extinct ; their long loved and revered leaders reposed at Ashland and Marshfield, and those who aspired to take their places, were, in comparison with them, but pigmies in intellect and statesmanship, and, as time hath proved, recreant and treacherous to the true national doctrines and sentiments so eloquently expounded by both in the Spring of 1850. Webster had then declared that not one inch of soil then free from slavery could ever change its character ; and Clay, as the father of the Compromise of 1820, had over and over again averred that the act of 1820 was no less sacred than the Constitution itself, and even Stephen A. Douglass had solemnly declared in 1850, that under no possible circumstances could that compact ever be disturbed.

No clearer exposition of the condition of things at that time can be found than in the Republican Address at Pittsburg—a work emanating from the hand and the head of the intimate bosom friend, the

political adviser, the able advocate and defender of Andrew Jackson, and all the principles that during his whole life he so earnestly illustrated. We quote a portion :—

“When Franklin Pierce, on the 4th of March, 1853, became President of the United States, no controversy growing out of slavery was agitating the country. Established laws, some of them enacted with unusual solemnity and under circumstances which made them of more than ordinary obligation, had fixed the character of all the States, and ended the contest concerning the territories. Sixteen States were free States, and fifteen were slave States. By the Missouri Compromise of 1820, slavery was forever prohibited from all the Louisiana territory lying north of the line of 38 deg. 36 min. ; while over that territory lying south of that line, and over the territories of New Mexico and Deseret, no such prohibition had been extended. The whole country reposed upon this arrangement. All sections and all interests, whether approving it or not, seemed to acquiesce in its terms. The slave-holding interest, through all its organs, and especially through the General Government, proclaimed that this was a final and irrepalable adjustment of the struggle between freedom and slavery for political power : that it had been effected by mutual concessions and in the spirit of compromise : and that it should be as enduring as the Union, and as sacred as the Constitution itself. Both political parties gave it their sanction in their National Conventions : the whole country assented to its validity ; and President Pierce in his first official message to Congress, pledged himself to use all the power of his position to prevent it from being disturbed.

Congress moved then as now, and as all such deliberative bodies must do under a Republican Government, slowly.

Californians felt very little interest in its deliberations, save only those so intimately connected with their one great and absorbing topic—an appropriation of the public lands sufficient in amount and value to construct a railway from St. Louis to San Francisco. This beautiful State, the youngest in the Union, had sent their two young men, both eminent as lawyers, able as debaters, skillful as tacticians, and both heart and soul devoted to the interests, and all the interests of California. No two men, so young, ever occupied in that body the same proud, the same conspicuous position. In debate few were their superiors, none were more sound as partisans, and yet with all these advantages, what were even they able to accomplish for California? What did that Congress achieve that Californians should longer look to the self-styled Democratic party for aid, assistance, or care? The truth of history compels all candid men to admit that it was nothing—absolutely nothing! And why? “Aye, there’s the rub!”

In the spring of 1854 a bill was introduced into the Senate of the

United States to establish a Territorial Government for Kansas ; it was reported by Stephen A. Douglass, then Chairman of the Committee on Territories, a man for whom I entertain personally the very highest esteem. Long ere he had become a distinguished public man, and in early youth he was my companion, my school mate, and through the last twenty years he has been to me a sincere and devoted friend. Within the precincts of the most beautiful village of Western New York, side by side we poured over the pages of Coke and of Blackstone, and our hours of relaxation were passed "in revising and refreshing our recollections of the beautiful disquisitions of Cicero De Oratore, Cicero De Officiis, and Cicero De Senectute." As a man, I esteem him ; as a friend, I love him ; but as the author of the Repeal of the Compromise of 1820, I know no punishment—due from a betrayed constituency, from the people of Illinois, his masters, to their servant, who shamefully violated their wishes and his own solemn pledges to them—that he does not deserve. Nay, more—if the Democratic party has abandoned its platform ; if Franklin Pierce has forgotten his pledges ; if agitation, and secession, and disunion even are now threatened in the land ; if no appropriation of land for the Pacific Railroad has been made, to him, and to him alone, in my humble judgment, belongs the responsibility. Born in Vermont, reared and educated in New York, growing up from a humble school teacher to become a leading Senator in Illinois, no possible apology can be offered by him for his dereliction on the question involved in the act establishing a Territorial Government for Kansas and Nebraska, and his kindred and birthplace will repudiate him ; his companions and school mates of New York will forever turn their backs upon him ; while the great and growing State which has so long confided its interests to his hands. will cast him out forever as an unworthy and faithless public servant. As his present colleague sits beside him, he can read day by day the signs of the political decapitation that certainly awaits him. But what was this act of his ? Let us see. Again we quote from Francis P. Blair, Gen. Jackson's old and tried friend :

#### REPEAL OF THE MISSOURI COMPROMISE.

"In the course of time and the natural progress of population, that portion of Louisiana Territory lying west of the Mississippi River and north of the line of 36 deg. 40 min., came to be desired for occupation ; and on the 24th of May, 1854, an act was passed erecting upon it the two Territories of Kansas and Nebraska, and organizing governments for them both. From this whole region the slaveholding interest thirty-four years before had agreed that 'slavery and involuntary servitude, otherwise than in the punishment of crime, should be for-



ever prohibited,' and had received, as the price of this agreement, the admission of Missouri, and subsequently the admission of Arkansas, into the Union. By the Kansas and Nebraska bill, this prohibition was declared to be '*inoperative and void*,' and the intent and meaning of the bill was further declared to be, 'not to legislate slavery into any Territory or State, *nor to exclude it therefrom*, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' Thus, without a single petition for such action from any quarter of the Union, but against the earnest remonstrances of thousands of our citizens—against the settled and profound convictions of the great body of the people in every portion of the country, and in wanton disregard of the obligations of justice and good faith, the Missouri Compromise of 1820 was repealed, and the seal which had guaranteed freedom to that vast territory which the United States had purchased from France was snatched from the bond. Oregon, Washington, New Mexico, Deseret, and the new State acquired from Texas north of 36 deg. 30 min., by compact, were all opened up to slavery, and those who might first become the inhabitants thereof were authorized to make laws for its establishment and perpetuation."

Of the immediate effect resulting from the passage of this act, we will hereafter speak. But let us first examine the circumstances under which this question was sprung upon the country. And in remarking on this, the individual views of the speaker will not unlikely clash with many of the leaders and movers of the Republican party; yet nevertheless, it is believed they will be found to be correct. We are accustomed to hear the South, Southern politicians and Southern statesmen, charged with the passage of the act as an aggression of the slave power. To their honor be it said, and to our shame, such is not the fact. No Southern State in the Union ever asked for the repeal of the act of 1820. No Southern Legislature ever passed a resolve asking or approving the measure, until it had become a law. No Southern Senator or Representative moved or dreamed of moving for asking for the repeal of the act, until a Yankee by birth, a Northern man by education, offered it and urged it upon them. To such men as Douglass, of Vermont; Cass, of Michigan; Pierce, of New Hampshire, and Toucey, of Connecticut, is the country indebted for the evils and dangers let loose from this Pandora's box.

Southern statesmen, Southern politicians, Southern gentlemen, to their honor, be it said, are always true to their constituents, true to their interests, true to their people. Not so in the North. When Northern men offered to surrender the compact, it could scarcely be expected that the Southern Senators or Representatives should refuse so great a boon; but to the honor of the South, be it said, that sev-

eral of her most distinguished sons did bravely stand up for the compromise of '50, as a finality, and oppose the repeal of the act of 1820, and had the gallant Stanley, of North Carolina, been then in the hall, or the warm hearted and eloquent Foote in the Senate, I know that the former, and sincerely believe that the latter, would have used all their power, their eloquence, their talents, to have defeated this monstrous iniquity. But not only did not the South ask it or move it, or petition for it, but the only voice that was raised through the country was that of emphatic denunciation from the North. Regardless of all this, its mover, intent on getting the inside of the track for the next Presidential race, and stealing a good start on the venerable Senator from Michigan, the gay young courser from New Hampshire, as President, by the aid of executive patronage, and the base appliances of party machinery, caused the bill to be passed, and to be signed by a President who, in the year 1849, had endorsed and approved of the following resolutions :

*"Resolved by the Senate and House of Representatives in General Court convened, That, opposed to every form of oppression, the people of New Hampshire have ever viewed with deep regret the existence of Slavery in this Union ; that while they have steadfastly supported all sections in their constitutional rights, they have not only lamented its existence as a great social evil, but regarded it as fraught with danger to the peace and welfare of the nation.*

*"Resolved, That while we respect the rights of the slaveholding as well as the free portions of this Union — while we will not willingly consent that wrong be done to any member of the glorious Confederacy to which we belong, we are FIRMLY AND UNALTERABLY OPPOSED TO THE EXTENSION OF SLAVERY OVER ANY PORTION OF AMERICAN SOIL NOW FREE."*

While then we denounce the act itself, let us do our Southern friends the justice to say, that the fault is with our Northern Representatives and Senators, and not with them. The hot haste of young Presidential aspirants from the North, has done more towards what we call the aggressions of the Slave power, than all the movements, resolutions and speeches of the South combined. If we are deprived of our just rights in Kansas and Nebraska, it is to Douglass, and Cass, and Toucey and such men, and not to Butler, to Hunter, and Wise, that we must attribute the blame. And now as to the act itself, we have said it was a weak and wicked act. Let us demonstrate it.

And 1st. If the compromise act of 1850, by implication, had repealed the act of 1820, then the act of 24th of May was wholly unnecessary ; it was a mere work of supererogation, a fire brand thrown into Congress without the least earthly necessity, and such

would be an act of folly. Tell me, fellow citizens, as candid men, why repeal a law which had already been repealed?

But 2d, If on the contrary, the Missouri Compromise was left untouched by the great act of '50, then it was a gross violation of faith, an actual breach of the compact just made between the North and the South, and was a fraud upon the people, and upon those of Northern Senators and Representatives that so earnestly labored in 1850 to restore peace and harmony to the country.

That Webster did not understand that in sustaining the Compromise of 1850, he was speaking and voting for a repeal of this act, is manifest from a single proposition stated by him : " And I now say, sir, as the proposition on which I stand this day, and the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States or any Territory of the United States, a single foot of land the character of which in regard to its being free territory, or slave territory, is not fixed by some law, *and some irrepealable law beyond the power of the action of the government.*" And yet, within four years thereafter, and less than two years after his death, Cass and Douglass, who then endorsed all he uttered, turned around and enacted this repeal of the Compromise, which Webster had declared to be an irrepealable law, beyond the action of the government. Was there ever such a wanton violation of all faith on the part of American Senators, who, by this act, have again opened the question of slavery, which all supposed was finally quieted forever by the law of 1850 ?

And now what excuse is offered for this violation of faith. Again we quote from the Pittsburg Address :

THE PLEA THAT CONGRESS HAS NO POWER TO PROHIBIT SLAVERY  
IN THE TERRITORIES.

But it is urged that the original enactment of the Missouri Compromise, by which slavery was prohibited from entering a portion of the territory of the United States, was a violation of the Constitution ; that Congress has no rightful power to make such a prohibition, but that into any territory over which the Constitution is extended, the slaveholder has a right, by virtue of its provisions, to take his slaves.

In reply to this we answer :

*First*, That whether the plea be true or false, it comes too late ; that the slaveholding interest conceded the constitutionality of the prohibition by assenting to its enactment and aiding it by the vote of its representatives :

*Second*, That if the plea were true, the enactment was null and void, by reason of its unconstitutionality, and its repeal, therefore, was a needless ostentation of bad faith : and,



*Third*, That the plea is not true, but is directly contrary to the plain letter as well as to the spirit of the Constitution, and to the uniform practice of the Government from its foundation.

The Constitution declares that "the Congress shall have power to make all needful rules and regulations respecting the Territories, or other property belonging to the United States." This language is very plain and very broad. It imposes no limitation upon the power of Congress to make rules and regulations respecting the Territories, except that they shall be such as are "needful;" and this, of course, lies in the discretion of Congress to determine. It assumes that power to legislate for the Territories, which are the common property of the Union, must exist somewhere; and also that it may most justly, and most safely, be placed in the common government of the Union. The authority of Congress over the Territories is, therefore, without any other limit than such as its judgment of what is "needful"—of what will best promote their welfare, and that of the whole country to which they belong, may impose. If Congress, therefore, deem it expedient to make a rule and regulation which shall prohibit slavery from any Territory, we find nothing in the Constitution which removes such a prohibition from the sphere of its authority. The power of Congress over the Territories of the United States is as complete and as full as that possessed by any State Legislature over territory belonging to that State; and if the latter may prohibit slavery within its own territory, so may the former also.

And again :

The whole system of doctrine by which slavery seeks possession of the Territories of the United States, either by asserting the sovereignty of their inhabitants, or by denying the power of Congress to exclude and prohibit slavery from them, is novel and alien to the principles and the administration of our Government. Congress has always asserted and exercised the right of prohibition. It was exercised by the vote of the first Congress, in 1789, reaffirming the ordinance of the old Confederacy by which slavery was prohibited from the territory northwest of the Ohio River. It was exercised in 1820, in the prohibition of slavery from the Louisiana territory north of 36 deg. 30 min. It was exercised in 1848, when slavery was prohibited from the Territory of Oregon.

Nor is it in the least degree impaired by the argument that these Territories, when they become States and are admitted into the Union, can establish or prohibit slavery, in their discretion. Their rights as States do not begin until their obligations as Territories end. The Constitution knows nothing of "inchoate States." Congress has power to make "all needful rules and regulations" for them as Territories until they are admitted into the Union as members of the common confederacy.

Such, fellow-citizens, was the Act of Repeal introduced by Stephen A. Douglass, without the expressed wish of one single slave State, or Representative or Senator, from a slave State, and which, in spite of

the earnest and imploring extreaties of the entire North was pressed through Congress under the whip and spur of Executive dictation, and the powerful influence of party patronage, and such are the fallacious excuses and pretences set up for the act itself. And now let us briefly consider the effects upon the country and California arising from this ill-timed, unjust and faithless movement on the part of the Father of the bill and his coadjutors in obtaining, its final passage.

Its immediate effect upon California was to defeat the passage of the Bill introduced by Gen. McDougall, and which had lost its place on the Calendar to give room for the Kansas and Nebraska Bill, and because Northern Representatives felt that if California would lend her influence and votes in Congress, to take away the just rights of the North, fixed by the irrevocable law spoken of by Mr. Webster, that she must get her votes and favors thereafter from that class of politicians who commenced anew this war upon the North. And when the political tricksters of this State urge upon us to keep silence because California has no interest in this question, little do they know what is the effect of what they do. California needs a Wagon Road. California needs, above all things, the immediate commencement of a Railway, and an appropriation of one hundred millions of acres of the public lands ought to have been made in 1854 for that purpose. And now, if California is to stand arrayed against the Anti-Nebraska feeling that has thus far swept every Northern State, is it to be expected that the Representatives of those States will enter into these great enterprises for our benefit?

Which, think you, Californians, are most likely to give their votes, their efforts, their voices in behalf of your Wagon Road project, your Railway plan? Well, such men as Davis of Mississippi, Butler of South Carolina, Hunter of Virginia, or rather such men as Seward of New York, Sumner of Massachusetts, and Wade of Ohio?

Again: Not only was the Pacific Railroad Bill lost by the passage of this Kansas Act, but civil war has been engendered, and at this very hour, the blood of American citizens shed by the hands of American citizens may be flowing on the plains of Kansas. Bitterness and strife have been engendered, and the question of slavery re-opened by the passage of that Act, and agitation is now rife throughout the land.

The North, as one man, has risen up, and discarding all other questions, ignoring all other issues, demands, and will *forever insist on the restoration of the Compromise of '20, either by the passage of Mace's bill in Congress, or by refusing at all hazards the admission of any State into the Union, formed out of territory north of 36 deg. 30 min. unless it comes in as a Free State!*

Another result from this ill-timed act has been the necessity for a creating a new party, and that, thank God, is already established, and holds within its numbers eight-tenths of all the people of the Northern States.

Its creed and platform is simple, truthful, just and fair to all parties, and is truly a national one, viz. :

I. Non-interference with the institution of slavery in the slave States.

II. The non-extension of slavery into the Free Territories of the Union.

III. A pledge of the party, its nominees, and all its members throughout the country to an immediate appropriation of one hundred millions of acres of the public lands for the construction of the Pacific Railroad from St. Louis to San Francisco.

IV. Liberal annual appropriations for the improvements of Harbors and Light Houses on the Northern and North Western Lakes, and for all the navigable Rivers of the Union.

Such then are the causes that have created the necessity of our organization ; and such is the political platform which we desire to erect this night in the Capital of California, and to which we invoke all who sincerely love the Union, and would maintain the Constitution in all its integrity. We desire in no manner whatsoever to interfere with the question of slavery in the slave States ; on the contrary, we here solemnly declare our determination to defend to the last extremity the rights of the Southern States, as guaranteed by the Constitution and Laws of the United States ; and in the same manner that we will, regardless of all consequences, defend and maintain the just rights of the North. We solemnly proclaim in the language of Mr. Webster already given, " that every foot of land within the United States or the territory of the United States, had on that day, the 7th of March, 1850, its character in regard to its being free territory or slave territory, fixed forever upon it by some law, and some irrevocable law beyond the power of the action of the Government," and that by the Grace of God, and strong arms, and brave hearts, that that character shall be restored precisely where it then was.

And now, if that be treason or abolitionism, make the most of it. It is just such treason—just such abolitionism as Daniel Webster taught us in that great day, and which the entire South then applauded and approved of, as the crowning effort in the life of the greatest man that our Republic has ever yet produced.



And now, fellow citizens, having thus feebly explained our objects and purposes in this organization, we invoke your aid, your assistance. Foreign vagabonds, like the editor of the New York *Herald*, and those who, like him, control a venal and corrupt press, may denounce us as abolitionists, as negro worshippers; we point in reply to the congregation at Pittsburg, and the address written by the ablest Democratic writer that ever filled the columns of the *Union*, the long-lived, steady, consistent, sincere and bosom friend of Andrew Jackson. Our banner is spread to the breeze, and never will it be hauled down until we have victoriously and triumphantly established every principle inscribed upon its glittering folds. This done we shall feel that the country is safe, the Constitution and Laws of Congress are vindicated, and the compact restored, and the Compromise of '50 will be what it was intended to be the *finality* of the agitation of slavery. One word as to the chances of our success.

It is not to be disguised that the Know Nothing party is, as a national party, utterly extinct. Based upon opposition to the full enjoyment of the political rights of foreigners by birth, it can command now no considerable strength in the North or West. Attempting to ignore this great question of the repeal of the Missouri Compromise, it was ignored by its own members—Banks and Willson, of Massachusetts, are both Americans, Northern Know Nothings; while Marshall, of Kentucky, and such men, are its Southern Representatives. Divided in their National Convention, the Southern men withdrew when the 12th Section was stricken out; while, when the voting commenced for Millard Fillmore, as President, the North, with some few trifling exceptions, went off in a body. If this is a national party, it certainly is the queerest one that ever existed. No counterpart to this monstrosity can be found, save that in the celebrated dog Cerberus, that was chained in classic times to guard the entrance to hell; a dog with but one body and one tail, yet with a very great superabundance of heads. That it is practically extinct here, is evident from the fact that its permanent leaders have abandoned all hope for the future, and some have already left the State, whilst others are preparing to go. In view of this state of things, it is evident that the next Presidential campaign is to be fought between the Democratic party on the one hand, and the Republican party on the other; and time will disclose the result. With such councils as prevailed at Pittsburg, with a rigid adherence to our principles, every northern State in the Union, nay, every free State, save only California, is certain to be thoroughly, completely

Republican. And now, without speaking for any person but myself, having had no spiritual communication with the living or the dead upon the subject, being neither a prophet or the son of a prophet, I venture to predict that, with the principles alluded to spread broadly and boldly on our Republican standard, and that flag upborne as it will be by John C. Fremont, of South Carolina, and Edward Stanley, of California, as our standard bearers, that we shall achieve a certain and a glorious victory. That these two distinguished sons of the South, like Blair of Maryland, and many others of the leading men, there are with us heart and hand, time will demonstrate. And I do not exaggerate the truth when I say that, on this platform both of them will stand side by side with us.

Fellow citizens of Sacramento, I have done. About to return to my adopted home in the North-West, and there to spend the balance of my days, I can have no selfish objects to accomplish in the performance of the duty assigned me to-night. Coming to California to recuperate in some degree the means which had been spent in political agitations elsewhere, I have eschewed all connection with sects or parties. Never an aspirant for any place or power, I have voted as my judgment alone dictated, and with a single exception, I believe, always a Democratic ticket. Having to a certain degree achieved what I came here to accomplish, shall now return, not as my young friend, the editor of the *Union*, declared some months since, a disappointed place hunter, or a jaundiced misanthrope; not a sectional man, nor an abolitionist, but a sincere devoted Republican; a Jeffersonian Republican; a Republican such as Clay and Webster taught me to be in my youth, and such as they would now be were they here to-night; and while my heart and affections will ever cluster around gorgeous skies, the glorious sunlight, the glittering stars, the golden hills and the fertile valleys of California, there will remain but one single source of regret connected with all that I have seen here and that is, that so few Northern men can be found who are here, as at home, true to the principles taught them by their fathers and mothers; that so few of the sons of New England, of New York, of Ohio, of Illinois and Wisconsin, may be found who cling to the memory and stand up to that creed, which in the North they would to-day there one and all espouse; that creed expounded so often and with so much power and eloquence by the great defender of the Constitution, viz:

1st. Absolute non-interference with slavery in the States, or where established by law.

2d. The non-extension of Slavery into the Territories of the United States now free.

And Californians, is it too much to hope, that after this great controversy shall have been settled peacefully, legally, and constitutionally, by the ballot box in November next, as it must be; and the people of the North-West shall gather around the watch-fires of liberty on the lakes and prairies to rejoice in their triumph, that an echo shall come back to us from the shores of the Pacific across the mountains, which shall meet and mingle with their shouts, and iterate and reiterate the cry—

No interference with Slavery in the States, or where established by law.

The non-extension of Slavery forever into the Territories of the United States now free.

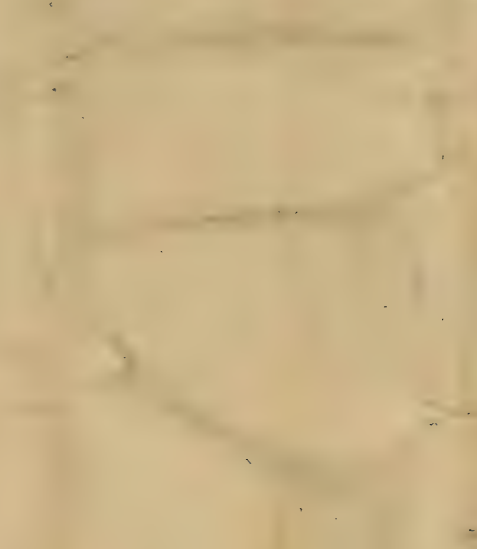
Gentlemen, fellow citizens, Democrats, Know Nothings, Whigs, Sacramentans and Californians, I bid you, one and all, an affectionate farewell

GEO. C. BATES.





2/1/15



c 815 3.  
PACIFIC RAILROADS.

---

SPEECH

OF

HON. WILLIAM WALLACE BOWERS,  
OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

FRIDAY, FEBRUARY 1, 1895.



WASHINGTON.

1895.



SPEECH  
OF  
HON. WILLIAM WALLACE BOWERS.

---

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 7798) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure to the United States payment of all indebtedness of certain companies therein mentioned—

Mr. BOWERS of California said:

Mr. CHAIRMAN: I shall not attempt to consider this question from a legal standpoint. The lawyers of the House have and will continue to do that. I shall only refer to the economic and equitable side of the matter, and I want to say at the outset that I take no stock in the scandalous literature now being circulated in this House by certain parties. I recognize in the present mayor of San Francisco one of the most effective allies at work to pass this bill, and I think I know that there is not a member of this House whose record is not whiter and better than any person engaged in circulating the vile and abusive literature with which the House has been flooded recently; and I beg of the members not to judge of the people of California by the persons who are circulating these slanders. They do not represent the people of California. I do not believe the members of this House will be influenced by these vindictive cranks.

Mr. CAMINETTI. Do I understand the gentleman to say that the present mayor of San Francisco is in favor of the passage of this bill?

Mr. BOWERS of California. No. I say that the circulars which are being distributed over his name will probably have the effect of promoting the passage of the bill.

Mr. CAMINETTI. I beg the gentleman's pardon. The mayor of San Francisco has not circulated anything here over his name that at all casts any aspersion on this House, and whatever of that character is circulated here must come from the side which has been guilty of the acts that the President in his message has denounced and that have been exposed and denounced by the majority and minority reports.

Mr. BOWERS of California. Do you defend those circulars?

Mr. CAMINETTI. I deny that he has cast any reflections on the members of this House.

Mr. BOWERS of California. Do you know who has circulated them? Some of them come here signed "Adolph Sutro," do they not?

Mr. CAMINETTI. Well, I object to your statement that the mayor of San Francisco favors the passage of this bill.

Mr. BOWERS of California. Very well. I will occupy my time and you can take your own.

Sir, the people of California are not asking of this Congress that it dig into dead men's graves to get revenge, nor to hunt and harass women and children for the sins of their husbands and fathers. This is only asked by some small politicians and irresponsible cranks. The man who would jeopardize or cripple that magnificent institution, the Leland Stanford, Junior, University, had better give California a wide berth.

Mr. Chairman, I would not detract an iota from the honor and emoluments due the builders of these roads. They were shrewd, far-seeing men. They deserved a great success, and they achieved it. They have been honored accordingly and they took the emoluments as they went along, rather than trust to an uncertain future for reward. These builders are all very rich—those living; and those dying died rich, so the matter of charity toward them cannot fairly be considered in this case.

Sir, the only question remaining for us to consider is, what is the best, the most sensible thing to do now? What does justice toward the people, not only of California, but of all the States from the Missouri to the Bay of San Francisco, directly, and to all the people of the United States generally, require of us? It is not a matter of revenge or punishment.

From the report of the committee I find that the net liability of the Central and Western Pacific to the

Government is.....	\$62, 209, 134
First-mortgage bonds.....	27, 850, 000
Total.....	90, 059, 134

That the net liability of the Union Pacific and Kansas division to the Government is .....

as division to the Government is .....	66,340,836
First-mortgage bonds.....	33,532,000
<b>Total.....</b>	<b>99,872,836</b>

In round numbers, \$100,000,000, the grand total being \$189,931,-970 of debts in these two items. I have no means of knowing the amount of other indebtedness and claims against these companies, but it is safe to say, enough to bring the amount above \$200,000,000.

Now, Mr. Chairman, what probability, what possibility, is there that these companies can pay interest on these sums and \$5,000,000 principal each year when for the last thirty years they have not paid any interest, the Government during that time having paid \$100,000,000 interest for them—to be exact, according to the report, \$99,934,906.02? The bare statement of the case shows that these roads can not do anything of the kind. If they could not pay interest when they had an absolute monopoly, no competition, how can they do it now with four competing transcontinental lines? No business man expects them to. No man here believes in his heart that they can or intend to pay out. These roads can be duplicated for less than \$100,000,000. They did not honestly cost more than that originally.

Now, what man is going to put his money in roads carrying such great debt, if the debt must be paid? No man. The gen-

tleman from Louisiana said yesterday that the Union Pacific representatives said to the committee that that road could not pay more than 2 per cent interest per annum and \$100,000 a year of the principal (I suppose he meant to say \$1,000,000 per year). At that rate it would take four hundred years to pay out. The facts are that these roads are a couple of squeezed lemons. There is not much left of them but the rinds.

Mr. Chairman, during all the years that these roads refused to pay the interest on the guaranteed bonds their managers were diverting the millions of their earnings to building other roads—roads that the Government could have no lien on—and issuing the bonds to themselves. From the earnings and subsidies of the Central Pacific, and other local subsidies, the Southern Pacific was built. Now, having got a road of their own that the Government had no lien on, the managers cinched the play by leasing the Central Pacific to themselves—to the Southern Pacific—for ninety-nine years. So they are able to divert the traffic from the Central to the Southern, and the net receipts go to that road. The Central Pacific is sucked dry and the Union Pacific, in great measure, held at the mercy of the former. This bill will enable the Southern Pacific to maintain the cinch.

I have been astonished at some of the lines of defense advanced by the supporters of this bill. It has been urged that if we attempt to enforce the rights of the Government, or to do otherwise than these companies dictate, we will have interminable lawsuits and will not collect 10 per cent of our debt; that we have no lien on the terminals; that in fact the provisions in the acts granting this aid to these roads, purporting to give some security for the ultimate repayment of the money advanced, are attached to the acts by wisps of straw that corporation lawyers may break; that the scheme was a fraud from its inception. If this be true, what guaranty have we that the terms of this bill give any better security? Has it been drawn by better lawyers, acting in the interests of the United States? It is evident that this bill is satisfactory to the managers of these roads, and was inspired by them, and in view of the past we may ask ourselves, is this thing they want best for the United States? What guaranty can be given that the companies will keep faith, be any more honest in the future than in the past? None. This bill is simply in the nature of a stay of execution for a criminal proved guilty and under sentence.

There has been an attempt made to befog, to lead away from the real issue in this case, by reciting the achievements of these builders, to inculcate the idea that they should be rewarded some more, and upon the floor yesterday members went so far as to say that all the country through which these roads pass would have remained until to-day in its primeval solitude, unvexed by the presence of man; that all these centuries the wilderness waited for these men, and had they died in infancy no one would have come to take their place.

Mr. Chairman, the wilderness waited only for the ripening of time; when the times were ripe the men came. There would have been little or no delay in any case. Years before these builders came others had blazed a trail across the continent for a transcontinental railroad. The men were there, but the time was not ripe. It is puerile to talk of these men as saviors and discoverers. I have said I would not detract from the credit due these men. I can not. They took the credit and the cash as they went on with the



work, and we are not now to consider what is just and fair to these men and their assignees alone, but also what is just, what is merciful, what is due all the people who have contributed these millions; not alone the millions given in the way of bonds and interest paid, but the many more millions filched from the people in the way of extortionate charges for freights and fares, and shameful discriminations practiced by these private highways.

Mr. Chairman, these roads hold San Francisco and practically the Pacific Coast in a vise. No road but the Southern Pacific enters San Francisco. It controls the Pacific Mail Steamship Company. All the trade and traffic between the Coast and the Missouri River is held in subjection by these roads; every farmer and producer all along the lines is at their mercy. The great sugar king can have his sugar, foreign grown, imported free, carried as far as he wills over these roads and landed where he wills anywhere on these lines for \$7 per ton, while the fruit grower, the woolgrower, the farmer, the producer must pay three or four, aye, ten times as much for the transportation of their products. This bill is to continue this outrageous condition of affairs for fifty years more; for fifty years the Coast must be held in this vise, and for all these years the people, all the people, must pay the tithes levied by these monopolies supported by the Government. That's what this bill is for.

Sir, yesterday some gentleman remarked in a sort of condescending way that possibly lower freights would be an advantage to the people of California, speaking of that State and the Pacific Coast as he would of a foreign country.

Mr. Chairman, is not California, a State in the Union, entitled to equal consideration with every other State? Has it not contributed as much to the wealth and honor and prosperity as any other during its lifetime?

Sir, we are not asking that you appropriate \$15,000,000 a year for the protection of her farmers as you do for the protection of farmers of the Mississippi Valley. We ask now that this Government, which for a wise purpose aided these roads by giving such enormous subsidies, which gifts have been turned from their true purpose and have been used to establish a grievous, oppressive monopoly, now that the power of the oppressor is about to pass away by the operations of law, we ask that this Government shall not renew and extend the power of these robber roads to oppress our people for a period of fifty years more; shall not uphold the hands of these robber barons.

Mr. Chairman, if I believed that the provisions of this bill would be faithfully carried out, and, as the gentleman from Iowa [Mr. HEPBURN] has said, \$19,000,000 would be paid the first ten years and \$35,000,000 at the end of the second ten years, and the whole amount, principal and interest, at the end of fifty years, I might vote for this bill; but there is nothing in the past history of these companies, and it appears nothing in any of the acts of Congress passed heretofore in aid of these roads, not a provision in one of them that purports to give the United States any security that appears to have any force, or binds these corporations in any degree, so skillfully were all the acts drawn by corporation attorneys.

What guaranty have I, has anyone, that this bill is any better? Indeed one of the strong arguments of the supporters of this bill made on this floor during this debate is, that from the beginning

it was planned to defraud the Government; that the lines upon which the Government has a lien, or would have if foreclosure proceedings were adopted, begin nowhere and end nowhere; that all the terminals are owned by the company and the Government could not touch them no matter how the companies were indebted to the Government. This, if true, exposes a singular state of affairs, and would prove conclusively that the scheme was a fraud in its inception.

Again we are told by supporters of the bill that it would be an absolute waste of money to put in \$40,000,000 more to secure our debt; we could not get anything; nobody would buy the roads; that they would be worthless; and yet in the same breath they tell us that these roads will pay \$40,000,000 immediately on the first-mortgage bonds, and then pay the Government \$19,000,000 in ten years, \$35,000,000 in twenty years, and so on, until within fifty years the entire amount of the debt, now over \$150,000,000, will be paid. Surely if the property can do that it is valuable and would be good security for our debt. If the Government could find a lawyer who could or would draw the papers that would be as binding on the companies as the corporation lawyers have made all these laws binding on the Government, then the case would be different, but now in every case the Government gets the crow.

Mr. Chairman, these two arguments of the supporters of the bill do not go in double harness; they are going in different directions and they come head on.

Mr. Chairman, a fool may destroy in an hour a work that a thousand wise men could not restore in a year. So, it is as easy to find fault, to point out a defect or a wrong. To suggest a practical remedy is quite another thing. What do I propose as a remedy? What would I have done in the case before us? I answer, let the law take its course, as in other cases of Government debtors, why change the rule in this case?

In the State of California and in many of the States to-day Government officers are foreclosing mortgages on farms, levying on and selling stocks and shares in manufacturing establishments. I know quite a number of men in my own town who were rich, who owned fine farms; they have been closed out by Government agents, their farms sold. But we hear no one protesting against the Government going into the business of farming, and no one proposes to extend the farmer's mortgage for fifty years and reduce his interest from 6 or 8 per cent to 3 per cent. That privilege is to be extended only to those debtors to whom \$100,000,000 of money has been given, who misused the bounty of the Government; used it to oppress the people. These are to be the favored ones.

Mr. Chairman, we are informed that the roads upon which we have a second lien only for a debt of \$150,000,000 are worth now about \$140,000,000; that about \$40,000,000, together with the amount now in the sinking fund, will pay off the first-mortgage bonds, and leave the Government with a first lien on both. I would, when the time comes, if the companies refuse or neglect to pay, advance the \$40,000,000, pay off these first-mortgage bonds, and take the roads—this on its face is a hundred millions better proposition than the pending measure—the same as the national bank receiver takes the mill or the farm. Then care for them in a business way as other property taken by the Government is cared for, until disposed of, the same as the farm is.

Would I have the Government operate the roads? Most certainly—until they can be disposed of to the best advantage. But the supporters of this bill hold up their hands in holy horror at the bare idea of the Government operating a railroad, as if it were a new and unheard of thing, and accuse those who would suggest anything of the kind of being cranks, anarchists, socialists. Ah! but you forget that within the past year these great railroad corporations were glad to have the Government interfere with the railroad business; that the railroads were operated under the control of the Army of the United States, and to enable this very Central Pacific road, and the Southern Pacific road, the beneficiaries of the Government, to whom millions had been donated, all of the troops of the United States in California and the National Guard of California were called to take charge of these roads that they might be operated. And then, Mr. Chairman, when the trouble was over, and the corporations had received their roads back from the Government, this Southern Pacific Railroad Company is reported to have put in a bill for food furnished the troops who protected their property.

Will any man here who was along the line of the Louisville and Nashville and the Nashville and Chattanooga railroads and the road from Chattanooga to Atlanta during the campaign which ended with the occupation of Atlanta during the civil war doubt the ability of the Government to operate railroads? [Applause.]

Sir, if there is any one thing more than another the great railroad corporations of the United States do not want tried, it is the experiment of the Government in times of peace operating a line or lines of railroad; for it might be shown that under Government control they could be operated in the interests of the public—of all the people—instead of, as now, solely in the interests of the boards of directors. These great corporations, with their millions of watered stock, see the danger that lurks in the experiment. I am not in favor of the general proposition that the Government should go into the business of building and operating railroads any more than to go into the business of operating the farms and mills it confiscates; any more than of its setting up a retail cigar store because it confiscates millions of cigars every year that did not pay duty.

I repeat, I would not change the rule in this case. If the corporation lawyers who drew up these acts have done their work so skillfully and well that the Government has no recourse, we might as well know it now as later, and dissolve this partnership wherein the corporations get all the turkey and the Government nothing but crow.

But there is another question to be taken into consideration with this bill. It is not a matter of money alone. There is a deep-seated, widespread impression among the people, that these great corporations have special privileges in Congress and in the Departments of the Government. The passage of this bill will go far to confirm that opinion.

I am opposed to this bill because it continues this Pacific railroad monopoly with all its oppressive methods upon the people of the Pacific Coast, and all the people between to the Missouri River. We do not ask for punishment—only for fair dealing and justice to the people from now on.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, as probably explanatory of



the real purpose of certain gentlemen on this floor, I desire to read an alleged telegram to the President of the United States, sent by an honored citizen of California, the present mayor of the city of San Francisco, a telegram which develops the purpose and object of the California delegation here in their opposition to this bill. He says:

History will record you as the greatest benefactor of the American people if you will recommend by special message to Congress the foreclosure of the mortgages on the Pacific railroads, paying off existing incumbrances, purchasing the roads at foreclosure sale, and falling back on the personal liability of stockholders for deficiencies. The Government must not operate these roads, but hold them as a great national highway for the benefit of the American people—a war measure, as they were intended to be, for the transportation of troops, munitions, supplies, and mail. Then permit all American railroads to run their locomotives and cars on this great highway, starting from the Missouri River, to the Pacific Ocean, under payment of tolls to be regulated by the Treasury Department.

Mr. Chairman, in view of that dispatch and in view of this development of their views authoritatively made by this distinguished citizen of California, I challenge the good faith of some of the gentlemen in opposition to this bill. They are here legislating not for the whole American people, but for the people of their own sections without regard for the interests of all. They are asking that the United States, in addition to once building these roads, shall pay \$40,000,000 more to maintain them. Aye, more than that, they are asking that the United States shall pay the \$63,000,000 now soon to mature, and shall waive all claim to interest on the ninety millions and operate this railway for the benefit of those along its line, leaving the balance of the people to pay a second time for this great work, for the advantage of a comparatively small class. But in addition to that, we are told by a gentleman who is thoroughly familiar with this matter, Mr. Anderson, that in order to serve these local purposes, in order to give them a road to San Francisco and to Denver, perhaps it would be necessary for the Government to invest in the purchase of the terminals and of bridges some \$60,000,000 more.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. BOWERS] for two minutes.

Mr. BOWERS of California. That is all the time I want. I desire simply an opportunity to say a word in answer to the suggestion of my friend from Iowa, who, by his words, would cast an imputation upon, or impute wrong motives to the California delegation in connection with this matter, by suggesting that they were governed by improper motives, or motives other than those which appear upon the surface in this discussion.

I want to say just this: I have not charged wrong motives nor impugned the motives of any one supporting this bill; but if any one were seeking to impugn the motives of another, reference should be made to those men who are standing with the railroad companies, demanding every one of them the passage of this bill, while the California delegation to the last man are standing with the people of the United States [applause], who have been taxed for this business. If there is any impugning of motives you want to seek for the motives of men on that side of the question who are standing with the great corporations against which the people are protesting. [Applause.]



c815 4

EDUCATION.

---

SPEECH

OF

HON. LELAND STANFORD,

OF CALIFORNIA,

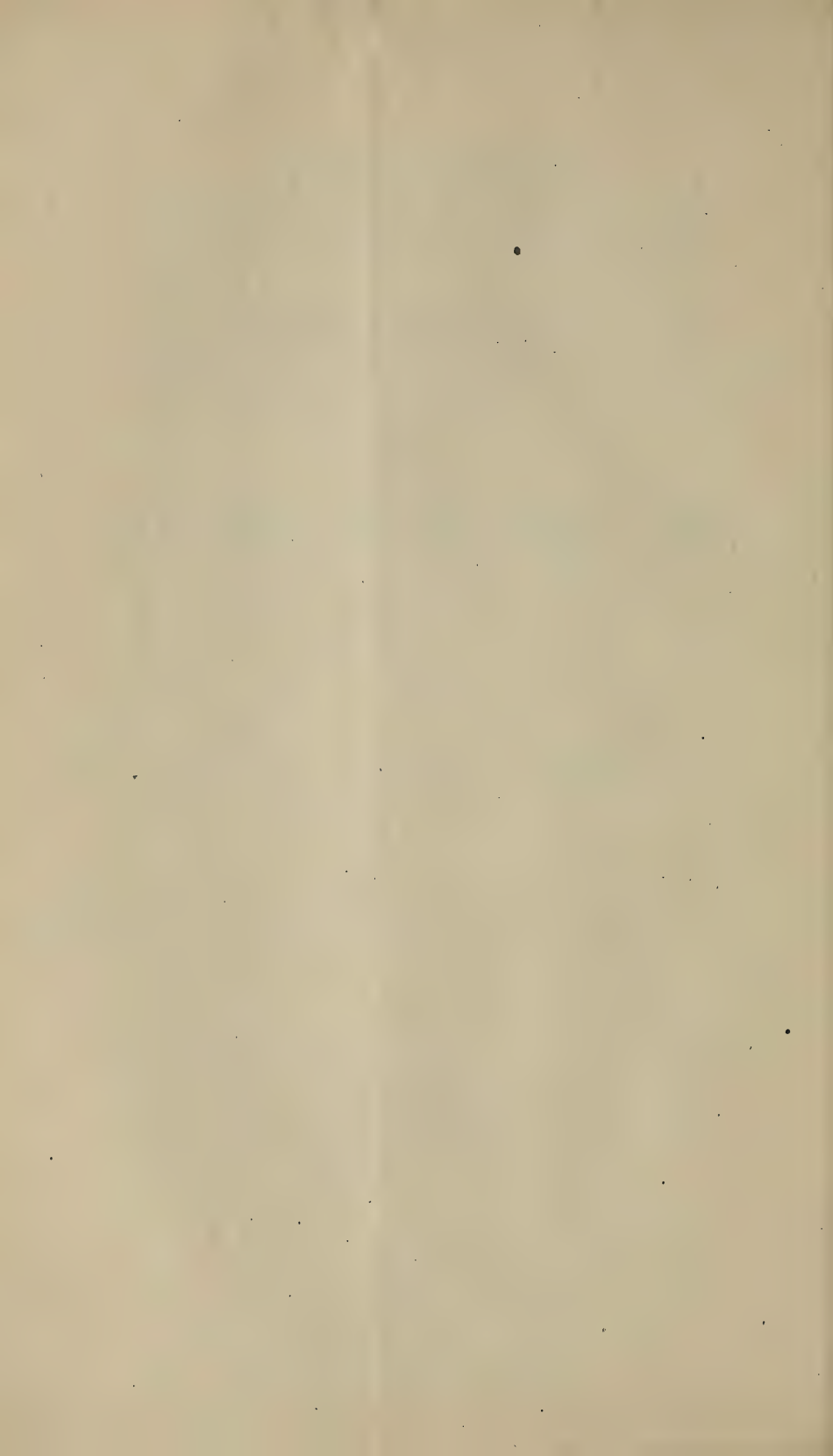
IN THE

UNITED STATES SENATE,

FEB. 25, 1890.

---

WASHINGTON, D. C.  
1890.



## EDUCATION.

---

### SPEECH

OF

Hon. LELAND STANFORD,

OF CALIFORNIA.

---

The United States Senate, Tuesday, February 25, 1890, having under consideration the bill, Senate 185, "to aid in the establishment and temporary support of common schools," Mr. STANFORD said:

MR. PRESIDENT: The bill under consideration has for its object the lessening of ignorance in all parts of the country in proportion to the illiteracy of all parts.

It seems to me to proceed upon the right principle and in recognition of the importance of education to insure the prosperity of the country and the happiness of its citizens.

I assume the constitutionality of the bill. That question has been very thoroughly argued here, and it is not necessary that I should discuss it; besides, I desire to speak in general terms of the importance of education, and of this bill as a means to secure that end. The constitutionality of the bill being accepted, the important fact to be considered is, Is national legislation necessary? The illiteracy is also conceded, as also the fact that some of the States have not been able to meet the question. Therefore, Federal aid becomes necessary.

#### THE ADVANTAGE OF EDUCATION.

The great difference between the man and the beast lies in intelligence, and intelligence is the boundary between barbarism and high civilization.

In my opinion our Government can have no higher object than to secure to the people a high degree of intelligence, thereby assisting them to the attainment of the possibilities

of humanity. These possibilities and the beneficence of the Creator to man on earth are one and the same, for it is obvious that there could be no beneficence in the unattainable. Had we been given reasonable wants without the means of gratifying them the Creator's beneficence would be a failure.

But, when we look around at the sources of supplies for our wants, whether physical or intellectual, we find them inexhaustibly supplied in the soil, waters, forests, mines, and quarries. The raw material is everywhere within our reach, requiring only the intelligent application of labor and the control of the forces of nature. How this labor is to be applied and this control obtained is what education will teach.

There is a beneficence displayed in the very fact that it requires an effort, physical and intellectual, to supply our wants. Without the necessity of such continual efforts humanity would soon sink into imbecility. How to add to the scope of these intellectual efforts, and to the power of these physical ones, will be taught by education.

When we contemplate the progress that has been made in arts and sciences, the improvement in machinery, and the advance in the application of labor, and the control of unseen forces within the last century, we have no reason to despair of the ultimate realization of the Creator's intentions for man. Indeed, this realization may be a great deal closer at hand than the most sanguine among us now anticipate.

In our country to-day the physical wants of the provident and industrious can (barring the unforeseen accidents of life) be satisfied. These wants are sufficient food, raiment, and shelter. In these respects the poor man is nearly on a par with the most wealthy. The great and increasing demand for labor is not for the supply of actual physical wants but for those which may be called intellectual, and these are as boundless as man's capacity to conceive. Therefore, whatever may be our progress in arts, sciences, &c., there



being no limit to our intellectual wants, neither can there be a limit to the demand for labor. Education should teach all to understand that the beneficence of God is such that the wealth of one man in no manner implies the poverty of another, and that as the sources of wealth are inexhaustible none should want for the necessities of life, and but few for its comforts and elegancies.

To illustrate : In my own State the census of 1880 shows a little less than eighty thousand men, women, and children engaged in agricultural pursuits ; that means about sixteen thousand adult males. This number raised food enough for nearly a million of people in California. They planted trees, vines, raised crops and made valuable improvements in property for the future, and after all this was done in one favorable year, had a surplus of about twelve hundred thousand tons of wheat for exportation, or, in other words, bread enough for twelve millions of people.

By the aid of the genius of McCormick they can cut, thrash, and put into a sack 100 pounds of wheat at the cost of one cent.

When education is universal, the question of race distinction will be obliterated, justice will prevail, and people of different color will live beside one another in all parts of our country with mutual respect, according to their merits.

#### THE RACE DIFFICULTY.

I consider that this bill is in the direction that will ultimately lead to a settlement of the question of race difficulty which is so pregnant and pressing in certain sections of our country. Educate all—white, black, red—and when all are educated the race difficulty will need no settlement ; it will no longer exist.

The education of the masses will have an enormous influence towards demonstrating the beneficial effects of the power of production, and the result will be an increase in

the respect for labor and a higher and more general conception of its dignity. From this will spring a more general desire to engage in some calling that will tend not only to the advantage of the individual, but also of the community.

Through education this idea can be so broadly disseminated that the time will come when every man will understand that it is his duty in some manner to contribute to his own support, and that the non-producing man lives at the expense of some other. This precludes any right in the idle and improvident to demand from the savings of the provident and industrious. What the latter may give in charity must always be a matter for the individual to determine, as his humanitarianism and conscience may dictate; as also whether he shall furnish employment to another. Were it otherwise, the idle and improvident would have a lien upon the industrious and provident.

The discipline which education instils into the mind is of assistance in all branches of labor, whether mental or purely manual.

#### EDUCATION USEFUL TO ALL.

I cannot, in my experience, recall a single instance in which education was otherwise than useful to the individual, no matter how advanced the education or how humble the work to be performed by the individual.

Perhaps one of the most important results to be accomplished by the aid of education is the elevation of women. I think it was Lord Kames who said, in his "Elements of Criticism," that in the first seven years of our life we acquire a greater number of ideas than ever after. Another celebrated philosopher has said that the education a child receives in the first five years of its life is of more importance than all after education, and has more influence in forming the child's character.

All thoughtful minds have been more or less impressed by the advantages of the kindergarten system of education for

young children. The intelligent mother is always a real kindergarten teacher, and if it is true, as Lord Kames and others have said, about the influence of the first few years of education upon the child's mind, then how important is it that the mother should be an intelligent educator.

#### THE ELEVATION OF WOMAN.

It is intended that this bill shall benefit both sexes alike, and I hope that under its provisions women will be educated in the different callings of life suitable to their sex.

The limit of benefits obtainable through the intelligent application of labor in the control of forces is beyond our present comprehension, but we shall some day approach much nearer than we are to the immeasurable and unknown power of the infinite intelligence. I say it with all reverence. This intelligence will supply every want through means and laws of harmony, and not in any manner by the use of miraculous interventions.

History and experience tell us that in all times the most prosperous people have been the most intelligent of their epoch. Great Britain, with a limited area of territory as compared with some great nations, is, owing to her use of machinery for production, commercially the first nation of Europe; and yet, with all her multiplied production, the laborers' and mechanics' wages are higher in Great Britain than in any other country in Europe, and food is as cheap. One day's labor of the artisan in Manchester will pay the transportation from America of all the food he can consume in a year.

Whatever distress there may be in that country is caused by the improvidence of the people. And yet, these prosperous people are largely the descendants of those of whom Julius Cæsar wrote back, in substance, to Rome, that they were so low down in the scale of humanity that it was almost impossible to think of civilizing them.

Contrast the condition of the people of Europe of two centuries, or even one century ago, with what the condition of the people is now. One century ago they were not as well informed or as comfortable as the average people of the most illiterate portions of our country to-day. And in spite of all the disadvantages of slavery, how superior was the condition of the slaves in our country, even before the war, to that of their brethren remaining in Africa; and this is because they were in contact with an intelligent and civilized people.

The power of production through labor-aiding machinery, and improved means of transportation, make of the civilized world one great neighborhood, and make it possible for all to enjoy the fruits of this increased power. We have nothing in the past by which we can measure the possibilities that may spring from this acquaintance with one another, exchange of ideas, and consequent increased intelligence. The world is rapidly becoming cosmopolitan, and cosmopolitanism only becomes possible through contiguity and exchange of ideas. With the civilizing influences of proximity of intelligence the better elements of humanity are developed.

From education grow morality and a religion in harmony with the sublime, all-wise, always beneficent Creator. The result will be to make humanity better, wiser, and happier.

It is through education that the possibilities are to be ascertained and obtained. Education is the panacea for all our difficulties, religious, political, and industrial. Therefore, I am in favor of the passage of this bill.



SILVER,  
THE MONEY OF THE COMMON PEOPLE.  
Shall it be destroyed?

---

SPEECH  
OF  
HON. W. W. BOWERS,  
OF CALIFORNIA,  
IN THE  
HOUSE OF REPRESENTATIVES,

Saturday, August 12, 1893.

---

WASHINGTON.  
1893.



SPEECH  
OF  
HON. W. W. BOWERS.

---

The House having under consideration the bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes"—

Mr. BOWERS of California said :

Mr. SPEAKER: I do not intend to detain the House long if I may have attention for a short time. "We have been called together in extraordinary session by reason of the alarming and extraordinary business situation, involving the welfare and prosperity of the people of this country." So reads the message which convenes us. Banks are failing on every side. Manufacturers are closing their doors, hundreds of thousands of people are out of employment. General distress everywhere, ruin stalking in every place, from the farm to the mill, and it would seem that that glorious picture of peace, plenty, and prosperity, that was held up before us as the reward of "retrenchment and reform," has been turned to the wall. [Laughter.]

People are looking forward to Congress for some measure of relief, hoping it may come in some way, no one knows just how, although many are certain that their way will bring it. So far as the discussion has gone, it has largely been devoted to the platforms of the two parties, which is unprofitable, because neither means anything or was intended to mean anything. Both were cast in the same mold, although there might have been a little more sand—perhaps, more properly speaking, a little more mud—put into the platform of one than the other. They are both as clear as mud; but no man can tell which is one or which is the other.

The President of the United States, in his message, has shown he will have none of the platform, and he incontinently turns it down. He says "at this stage gold and silver must part company and the Government must fail in its established policy of maintaining the two metals on a parity with each other."

The Democratic national platform of last year says:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage.

I intend to talk about the matter in hand, but I presume, like many of you, I shall be betrayed occasionally into a political digression, and as the opportunity offers now, I will proceed to digress now. [Laughter.]

The gentleman from Missouri [Mr. BLAND] in his very able speech yesterday allowed himself to be betrayed into a political digression. Referring to the desire of the people and the hope that this Congress and its Representatives would act wisely upon this financial question, and referring to the Republican party, he said:

Of course we never expected anything from that party in that line.

Well now, Mr. Speaker, if I was so unfortunate as to be a Democrat, which I am not, I would sing very small and very low about the financial record of that party. What is it? After many years of profound peace in this country and undisputed rule of it, when it surrendered this Government to the Republican party what was the condition? An empty Treasury, no gold nor silver in it or in the country; the bonds of the United States, bearing a rate of 10 and 12 per cent interest, sold at a discount of 15 per cent, and this in time of profound peace.

The Republican party took charge of the administration of the Government with its empty Treasury and tottering credit—in this condition confronted by a gigantic war, the greatest war of any time. The Republican party carried the war for the preservation of the Union to a successful conclusion; had issued over two billions of promises to pay, and then started the country on an era of prosperity never equaled in its own history or the history of any nation on earth. We had money to do business with then. What was the condition of affairs between 1840 and 1860 under Democratic rule? You gray-haired gentlemen will remember what it was. What did you have? Neither silver nor gold, but a lot of ragged State bank money, good for nothing in an adjoining State, and good for nothing anywhere after it was thirty days old. [Laughter.]

After nearly a quarter of a century of Republican rule we surrendered the Government to a Democratic President, with hundreds of millions in its treasury; a prosperous country; its bonds, bearing only 4 per cent interest, sold at 12 to 24 per cent premium, a condition of things not before known in any nation on earth. Our bonds to-day sell for more than the bonds of any nation; and yet a day or two ago we received a message from the Democratic President [Mr. Cleveland] to this House which was a twin brother



to the last message of the Democratic President [Mr. Buchanan] who preceded him, couched in the same terms, referring to the illimitable resources of this country, which ought to be prosperous, yet told of the disastrous condition; and we have the same disastrous condition here with all these possibilities and resources and wealth which the gentlemen on the other side have talked about; which shows very frankly the incompetency of the management of that party.

It was the Republican party which gave this country honest money in place of worthless State bank rags, and despite all the talk of depreciated money, to-day, when a man is paid a dollar—whether of gold, silver, or paper makes no difference, each is interchangeable, one will purchase as much as the other—he don't care what bank issued the bill, don't care if the bank is broke or gone out of existence, his bill is just as good to-day, to-morrow, or next year—a condition never known in this country while under Democratic rule, and indeed impossible under Democratic business methods.

I tried to get a gold piece to illustrate this lecture. [Laughter.] I could not get one in the room of the Sergeant-at-Arms, as he had none. I suppose I could have got one in the Treasury. A curious circumstance happened to me yesterday. One of my constituents from California came to me with a \$50 check on a New York national bank, drawn in Rhode Island, a few hours from here, and could not get it cashed at the banks in Washington. To day, my friend, Col. Cockran, many of you know him, came to me with a check for a hundred dollars, drawn on a New York bank, and he could not get it cashed in Washington. I sent it off for collection. Yet you people of the East, who know little about this country outside your own State, have never been over it, and know nothing about its capabilities, talk about "boom towns and mushroom banks of the States in the wild and woolly west."

Let me tell you, Mr. Speaker, that when this plague came upon this country, and a run commenced on the First National Bank in Los Angeles, Cal., it had demand liabilities of \$1,000,000 out. It paid \$600,000, or 60 per cent of all its liabilities in money of the United States in three days, and I undertake to say that there is not a bank in New York that can do so. They are paying by the issue of certificates on pieces of paper that have no intrinsic value.

The Bank of Commerce, in my town, a State bank with demand liabilities of \$80,000, paid \$40,000 before it closed its doors, and they were reopened in thirty-six hours. Gentlemen, the banks in the "boom and mushroom towns" of the "wild, woolly West" pay money while your New York banks pay paper. Cali-

ifornia favors silver money; Nevada is a silver State. If you go into those States, you will find that the people know what gold is and make use of it, but you people who are shouting for gold do not use it for money.

One speaker said yesterday that the people did not want silver, and would not have it. Ah! Yesterday in New York City, under the very shadow of Wall street, the despised American dollar brought 3 per cent premium. They won't have it, eh! [Laughter.] I had a little experience of my own yesterday. I wanted a glass of soda. It cost only 5 cents, but the man could not change a \$1 bill; he had no silver, so I got that free. [Laughter.] I went to buy some newspapers, 23 cents worth, and the man could not change a \$1 bill; he had no silver. I got trusted for the papers, but I went around and paid for them afterwards. [Laughter.] I went into a drug store to make a 15-cent purchase; the store couldn't change a \$1 bill; had no silver—none of the drug.

I went to the Treasury last year to see if I could get some gold. The clerk opened a little drawer and took out a ten-dollar piece. I asked him how much money of that kind he paid out a day. "Not any," said he; "we do not use it here." Within handy reach was a box containing about a bushel of silver coin, and I asked him, "How much silver do you pay out a day?" "Well," said he, "from three to five thousand dollars." Yet gentlemen say the people do not want silver. I tell you that many of the banks that to-day have their doors closed would be very glad of the despised American dollar of our daddies if they had it, and would have been open and doing business to-day had they been friendly to silver.

Don't want silver! Don't he know that in every civilized and half civilized nation on the globe there is to-day one hundred dollars in silver coin in actual circulation—every day use—as money to one dollar in gold. And in the District of Columbia, the capital of the United States, there is to-day one thousand dollars of silver coin in actual circulation to one dollar of gold coin, and yet we are asked to legislate this money out of existence.

My friend Senator Langford, of California, a wealthy man, a large farmer, went up to San Francisco recently to get some money to move his wheat and to pay his men. The banks could not let him have it. He could not get the money from them although he had fifty dollars real wealth for every dollar that he asked for. That is the condition of things. The railroad company would have taken silver certificates, the same as I have taken them for my salary ever since I have been here. The rest of you gentlemen have done the same thing, and did anybody ever refuse to accept them from you? I guess not. Senator

Langford's hired men would have been glad to take the silver dollars and so would the merchants with whom he had to deal; and yet gentlemen tell us that the people do not want silver.

Mr. STOCKDALE. The "58-cent dollar."

Mr. BOWERS of California. Yes, the "58-cent dollar." I will come to that in a minute. I am afraid I have digressed again, but I will come back now to the regular programme. The President thinks that the purchasing clause of the Sherman act is the cause of the present financial distress in this country. I presume to differ with the President. Did the Sherman act precipitate the ruin of the Australian banks, where this plague started? Not at all.

I will tell you what started it, and what has held it in the condition it is in. It was the fear that, at the demand of the President, this Congress would destroy half the money of the country—the silver money—and then would go farther and enact laws compelling the wage-workers of this country, whether in the factory or in the field, to come, in the matter of parity of wages and parity of living, to the standard of the underpaid pauper workmen of Europe. That is what is the matter with the country to-day. [Applause on the Republican side.] This done, the conspiracy is complete, the world subdued; gold is king, and the United States takes its place in the captive train, chained to the chariot of Great Britain. [Laughter.]

Now, that is my opinion about the matter. Theories are very beautiful, but they do not always result as their inventors intend. I remember the story of a man who desired to grow a beard, and who used many recipes without result, but finally a learned man gave him an English prescription, which was to shave twice a day with the best English razors for three months. He followed the prescription, but at the end of the three months he did not have any more beard than when he started; so he quit. This country appears to me to be in the situation of the man who wanted to raise a beard. The nation wants more money, at least more than can be got at at present, and the head physician sends us an English prescription telling us that the remedy for scarcity of money is to destroy half of that we have. [Laughter.] The less we have the more we will have! That is as clear as mud.

It is a favorite charge of the opponents of the free coinage of silver that it is intended for the sole benefit of the silver miners of Colorado, Nevada, and other silver States.

Well, admit for a moment that it is so. There are not (speaking away within bounds) less than a hundred thousand miners at work in the mines and mills and hauling the ore. [Addressing Mr. PENCE.] Am I overstating the number?

Mr. PENCE. Certainly not.

Mr. BOWERS of California. Then another hundred thousand are working in the fields, growing the meat and the bread to support these miners. Now, then, are not these two hundred thousand toilers in the mines and in the fields—men who are producing the gold and silver that you are quarreling over and who are raising the sustenance for those miners—have they not the right, as American citizens, to ask this Congress that their interests shall be as fairly considered in national legislation as are the interests of the men of Wall street, the gold and bond traders, and the toll-takers, who never added a dollar to the wealth of the world, except that dollar was first taken out of the palm of the laborer's hand who earned it.

You have often heard of the Secretary of the Treasury taking a trip to New York to consult with the bankers and business men in regard to the financial condition of the country, have you not? I do not think we have ever had a Secretary of the Treasury who has not made such visits many a time, in plain English, for the purpose of consulting Wall street. Have any of you ever heard of a Secretary of the Treasury going to California to inform himself in regard to the interests of those men there who this year have grown 20,000,000 bushels of wheat and barley? You never did.

Did you ever hear of a Secretary of the Treasury going down to the Southern States and consulting your cotton-planters as to their interests in the business affairs of this country? You never did. Did you ever hear of a Secretary of the Treasury going through the country consulting the wool-growers as to the interest they had in the financial legislation of this country? You never did. It is the nonproducers who have demanded, and I am sorry to say have received, the attention and consideration of the Congress of the United States to the exclusion almost wholly of the toilers. When you are making your political platforms and stump speeches you talk about the people in very pretty terms, but when you come to legislate you do not know them.

You did not know them in this House at the last session when I asked that an appropriation of only \$5,000 might be made by Congress in order to enable the Attorney-General to defend the titles of men to whom you had sold land and from whom you had taken their money; to whom you had given United States patents, which now, through the exertions of a railroad company, have been overturned by the courts and twelve hundred of the settlers on those lands are to lose their homes. You keep their money and refuse to defend their titles. You talk a great deal about the people. If you would act a little more in their interest



and talk less you would appear to a great deal better advantage. I believe it is time that the legislative department of this Government should consult the wealth producers as well as the non-producers.

The common people, the wage-earners, the farmers, may not be able to meet any of you gentlemen here and argue this question with you upon theories, but there is one thing that they all understand; they understand a condition when they meet it; they understand a fact when it is forced upon them. And facts are now being forced upon them pretty severely.

The gentleman who last spoke made a remark which I wish to answer now before I forget it. He said, "Why are the farmers throwing away their wheat at a ruinous price?" I will tell him why they are doing it. It is because bankers like him and his associates, because financial operators have "cornered" the money so that the farmers can not get it; and they are forced to let their wheat go into the hands of the speculators, who have formed their combinations and can hold this wheat until they, instead of the farmers, realize the profits on it.

That, sir, is the answer. If there was any money which the farmer could get with which to pay the interest on his mortgage without selling his products at ruinous prices, he could be saved this sacrifice. But they must sell their wheat to the great combines at ruinous prices to pay you your interest; thus you get their wheat and realize the profit upon it. That is the condition of this country, and every man knows it. There is no denying it.

Let me tell you another thing. As I have said, these men may not be able to understand theories; they can not argue abstract questions with you; but when the farmer and the miner and the wool-grower and the cotton-raiser see year by year that they must take less for their products; when they see in the progress of the great conspiracy to break down silver, that the prices of their wheat, cotton, and wool keep even pace with silver and have since the conspiracy began, all going down with silver and staying down with it, as if bound to it by an adamant bond; when the farmer sees his wheat which was worth \$1.30 in 1873 when silver was \$1.30, now sees both at 60 cents; the planter sees his cotton which was worth 18 to 19 cents, when silver was \$1.30, now at 7 to 8 cents, and the price of his wool gone with the cotton and the wheat, he feels that there is something wrong, something wicked in this assault on silver. When the wage-worker sees that the price of his product, his labor, is coming down, down, down all the while, that he is growing poorer while his mortgage grows bigger—when he sees the nonproducer, the man sitting at the gates taking toll on the products of labor,

piling up millions upon millions so that sixty or seventy millions are owned by one person—so the per capita of a million people is owned by one person—I tell you the laboring man feels and knows that something is wrong. He knows that he is working hard and working honestly; but he realizes that the conditions somehow are wrong. It is not altogether a question of brains; there is a question of patriotism in the matter; and I tell you these men are going to inquire into this question just as surely as you live.

The gentleman who last spoke said “all the people of the United States were down on their knees begging this Congress to repeal the Sherman act unconditionally.”

Now, I want to tell you—and I speak for my constituency, as I suppose every Representative will speak for his own district—that in my district, which has about 170,000 souls, there is neither a man, woman, or child on his or her knees asking any such thing. They ask you to do what is right, to give the country money enough for the transaction of its business. That is all. And they are not on their knees, either. The gold conspirator will be more apt to find them swinging a club.

I want to answer my friend [Mr. HARTER] before I forget it, for I am likely to forget some of these things as I go on. Speaking of these certificates, he says they have only 58 cents behind them. I reply to-day that they come nearer having \$1.03 behind them. I ask my friend from Ohio how much gold is behind your promises to pay gold? You have fifteen hundred millions of debt, and a hundred million dollars of gold. You have seven cents on the dollar behind your promise to pay in gold, and seventy-five cents value behind the silver certificate, even by your own showing, and you have this even after the combined assault of Wall street and London to break silver down, ten times as much as there is behind your gold circulation. Answer that if you can, you who say that you do not want silver and talk about “ratios” and about intrinsic values and all that sort of thing.

Now, I do not want to be impertinent at all, but I have my own ideas on this subject, and one of them is that the man who talks of intrinsic value in the articles that we put the stamp of the Government on and use as money does not know anything about the functions of money whatever. [Laughter.] He does not know anything about it. Here is an American dollar I hold in one hand, and here is a Mexican dollar that I hold in my other hand. They are exactly of the same weight, and there are 9 grains more of pure, fine silver in the Mexican dollar than in the American dollar. I bought that Mexican dollar. I traded one of these for it, and I got that (the Mexican dollar), got an American quarter, a 10-cent piece, and a nickel.

In other words, I got the Mexican dollar and 40 cents in American money for an American dollar. Now, gentlemen, if the value of these coins depended upon the intrinsic value of the silver contained in them, such a condition of things would be impossible. It is the fiat of the authority that declares them money by the stamp of the king's signet put upon them, and which declares their value in the king's realms.

There never was a cent of money in the world that was not fiat money, I do not care whether it was gold, silver, paper, or what not. Take away the coinage value of gold, and what is it? It has very little intrinsic value. One pound of fine steel is of more intrinsic value than any 100 pounds of gold ever dug out of the earth. Take all the silver and gold that has ever been dug and throw it into the deepest sea, and who would suffer? Only the rich, and they say the rich never suffer. What would be lost? Nothing. But, on the other hand, take your iron and sink it in the sea, and what happens? In twenty-four hours the world would have gone back into barbarism. There is but one standard of value, but one on earth, and that is the capacity, the measure of anything, gold, silver, earth, water, anything that can be mentioned to contribute to the happiness, the life, the health, the well-being of mankind, and there is no other standard possible.

Mr. RAYNER says in his remarks:

Nor do I mean these mine owners whose continued prosperity and exorbitant profits are threatened by the repeal of the measure that is now before me.

That remark shows he does not know anything about the facts. I speak it with the utmost respect. If he knew anything of the facts he would know that the mines are closed and the miners are asking for work in the streets of Denver and everywhere in the silver States. He talks of market value. What is that? He says the market value changes from day to day. What makes the change? Not intrinsic values. No, but because Jim, Tom, and Jack, who have the gold and the money that is locked up now, combined, and they fix the market price where they see fit; put it down, or put it up, as they can make the greatest profit.

A little while ago I read in a dispatch in the Associated Press which has never been denied, and I suppose, therefore, that it is correct, that the Treasury had one day failed to buy silver—it was on Friday or Saturday—giving as a reason therefor that “the officers of the Treasury believed the London price of silver would be less on the next Monday.” Do you not suppose that that telegram was cabled to England in five minutes after it was uttered?

Was it not a substantial request on the part of the Govern-

ment officials of this country to the bankers of London and to the Rothschilds to fix the price of an American product lower next Monday? That is the way it looks to me. I will tell you what we want, and I am speaking now only for my own constituents. We want men to administer the affairs of this Government who are, first of all, American citizens, proud of their country. [Applause.] We want men who have faith in the ability of our own people to steer the ship of state themselves, without asking Germany or Great Britain which way they shall steer, or what port they shall make. That is my idea. That is what the people ask them to do. They do not ask the Treasury of the United States to practice any economy which destroys any American industry, whether it is raising wheat or corn, or digging in the mines.

What the country wants is a few less partisan Democrats, as few less partisan Republicans, and a great many more American Democrats and American Republicans. That is what we want—[applause]—Americans first and Republicans or Democrats afterward. As for the man who has not faith in the resources or the ability of this country to manage its own affairs, if I was that man I would emigrate to some place that I had faith in. [Laughter.]

Now, there has been the impression manufactured—and I am speaking deliberately—the impression has been manufactured that there has been an enormous yield of silver which has glutted the market, that it lies around everywhere, that we have so much silver in money that we do not know what to do with it, although the banks have not got it and are paying 3 per cent premium for it. Let us look at the report of the Director of the Mint for 1892. For the twenty years beginning with 1873, including 1892, according to the Director of the Mint, the total production of gold and silver in the world is as follows: Of gold, \$2,157,000,000. Of silver, \$2,246,000,000. This is reckoned at 16 to 1. Therefore, in twenty years there have been but \$89,000,000 more of silver than of gold produced in the whole world, or only \$4,500,000 per year. And this in the next ten or twenty years may be changed to an excess in the production of gold.

Mr. SIMPSON. How late is that report?

Mr. BOWERS of California. It is the report for 1892, the last one issued.

In my country they have very large flocks of sheep. Some men own fifteen or twenty thousand head. In shearing time they hire a large force of men, and they pay each shearer by the fleece. When a man shears a sheep he takes the fleece and carries it to the shed, and he receives a little tag for it. That tag shows that he has sheared a sheep. Each man that presents a fleece gets a



tag. Many of these sheep-owners have had brass tags made with their names or initials stamped upon them. Some of these tags are of brass, some of zinc, and some of leather, each having the individual mark of the sheep-owner. Whether a tag is of wood, or leather, or brass, or zinc, it represents that a sheep has been sheared and that the man is entitled to his pay, and that is money.

Why, what is the intrinsic value of that piece of paper [holding up a five-dollar bill]? What is the market price of that kind of paper? Nothing ever made this money but the stamp. [Holding up a Mexican silver dollar.] The Mexican Government is behind that piece, and [holding up a United States silver dollar] the American Government is behind that piece. I can take five of these American silver dollars and get just as much for them to-day as for this paper dollar or a gold dollar anywhere. Why should not this condition of things continue? I will tell you why. It is because certain people want bonds issued—and I call your attention to this: I have never seen a newspaper or heard of an advocate of the gold standard yet that did not wind up the argument by saying, "Issue some gold bonds and sell them to foreigners and get in the gold." That is, give a second mortgage for the interest that you owe these people. I do not believe in it. It is not necessary.

Talking about the amount per capita of money, no authority puts the amount as above eight billions of gold and silver coinage in the whole world, which is between seven and eight dollars per capita. That includes everything. As a matter of fact, there are not two dollars per capita in circulation to-day. If there were money would not be so tight. There would be some silver around. You will find by turning to the report of the Director of the Mint and the report of the Treasurer that two years ago England coined sixty-five millions of silver money at the rate of 15½ to 1. Do not forget that—the ratio.

England and all her dependencies produced eleven millions of silver. She bought fifty-four millions of silver of other nations at a price which she herself fixed in London, averaging about 75 cents. She bought millions of that silver from the United States, coined it at \$1.29, and with it bought her supplies of wheat and cotton from India, because the Government of the United States did not know how to attend to its business in a businesslike manner, selling this silver at 75 cents, to be coined by a foreign nation, which made from 50 to 60 per cent by the operation.

Now they tell us we must have "the money of the world." The cry has been all along, and you will hear it from every man who speaks on the other side of the question, that the United

States can not have silver except by the gracious permission of England, Germany, and France. Oh, we are a weak sister, a very weak sister, in the opinion of some financiers! It is said that there is nothing so cowardly on the earth, above the earth, or under the earth as \$1,000,000—except it be two million.

Now, sir, the people of this country can make their own money for themselves, and if England wants to put up the bars and close the doors on us, swear she will not trade with us any more, all right. Which country can stand such nonintercourse the longest? This great nation, that can produce every necessary, every luxury needed for its people, and at the same time raise on its own soil enough to feed half the world beside: or can England, that depends on other nations for its daily bread, and must sell its wares for something to eat, must trade to live? For what single thing must the United States be dependent on any other nation? In such a contest which will be forced to surrender first? I would like to see a little more sand and a little more patriotism, a little more Americanism, put into the legislation, the laws, and the administration of the public affairs of this country.

Gentlemen say there is plenty of money, but there is a want of confidence. A want of confidence is a very general and uncertain term. What produced this want of confidence? I asked a man who was working for me, and who, as soon as he learned of the run on the banks, rushed down to get his money, why he did it. He did not want the money. He replied, "I don't know how it looks to you, Bowers, but to me it looks like corky times ahead. I am afraid of Congress, if it knocks out silver, stops coining it, they have got money cornered sure." And that is what has happened. And when you, gentlemen, ask why you can not get money to do business, it is because it is cornered. That is the plain English of it. It was only necessary to send a few millions out of the country, lock up a few millions in bank vaults, the proper notices in the press, and the stocking could be depended on to complete the corner.

Now, the working people, the toilers, ask you to enact such legislation as will furnish a supply of money sufficient to prevent the speculators from cornering it and defrauding the laboring man out of his just dues—his earned profits.

I do not believe that the free coinage of silver would at once restore this country and give it relief, but it will partly do it. But instantly on the unconditional repeal of the purchasing clause of the Sherman act the distress is multiplied. There are two things I would do to give relief. The first is, I would set the thousands of idle hands at work.

How would you do it? In the last session of this Congress it was understood that the Committee on Public Buildings and

Grounds had agreed to report a bill for the erection of a public building for each State, and to make appropriations therefor amounting to something like forty-four buildings; but under a misdirected and disastrous idea of economy, not a single bill was reported and no appropriation was made.

I would start those public buildings and I would double their number; I would commence internal improvements all along the line, and I will guarantee that the American laborer, the American merchant will take the United States promise to pay in legal money of the United States for all the material and all the labor that will be required. Then we shall have some money to relieve the situation, and what we owe we shall owe to our own people and not to foreigners.

It is proposed to sell gold bonds, to borrow of the foreigners, and put ourselves in their power. Instead of that, let us pay our money to our own people, and they will be glad to get it. That is my idea. I would totally disregard the stupid ignorance of small politicians and all this talk of "economy" and set the people at work. Do gentlemen remember the period after the war when we had two billions of paper money out with nothing behind it but the faith of the Government? And with that money we entered on the great era of prosperity.

The gentleman from Ohio [Mr. HARTER] said that it would be better if there was not any silver behind the certificates. Well, I think it is better to have 75 cents behind a certificate than to have 7 cents, even if back of both is the faith of the Government. When we issued bonds during the war period, the men who had bought them cheap came to the Government and said, "We want you to say that you will resume specie payment." The Government said, "But we can not resume; we have not got the money." "Oh," said the bondholders, "just say that you will resume; that is all we want. We do not want to return the bonds to you; we want to hold them; they are good security; we only want you to say you will resume, and our fortune is made." So, I say: Let us employ the people of this country instead of leaving our own workers idle and spending our money employing the cheap labor of Europe. It is not the debt we owe ourselves, but the debt we owe foreigners that distresses us. Let us stop borrowing of foreigners.

Now, I want to say a word to my Republican friends who have done me the honor to listen to me to-day. I am quite deaf, but my one ear has not failed to catch certain remarks that have been made in relation to the company that I am keeping in this matter. [Laughter.] As to that, I simply wish to say that I am the judge of my own Republicanism. I was born into the party; my first vote was cast for John C. Frémont in 1856, and I always

expect to be a Republican, but the only way for the Republican party and the Democratic party to continue to meet here and confront each other as in the past, and not to be supplanted by other parties, is to do right, and deal with all the people of this country fairly.

I am a pretty good Republican, but this is not a party question. Ill-advised men have tried to make it so, but it is a business question that ought to be dealt with practically, and I exercise my own judgment in dealing with it.

I know, or I have reason to believe, that the majority of my party here are on the other side. They may be as right as I am, and fairly represent their constituencies, I know, however, that I represent not only the Republicans of my district in my attitude on this question, but also the Democrats and the Populists, and they will all tell you so, and I have no hesitancy in saying that on this question I am perfectly willing to train with those Democrats who are first Americans and then Democrats, and I want to say that it ill becomes any Republican or any member of my party, who at this juncture has joined the gold squad led by Grover Cleveland in this fight and are now marching under his banner, to criticise my attitude. [Laughter.] I am representing my people here. I represent their views. They ask this House to do right, to regard the interests of the people who produce all this wealth which toll-gatherers get rich upon. [Applause.]



# **Co-operation with State Boards of Health**



An Address on "President's Evening"

**General Federation of Women's Clubs**



**BY**

**CAROLINE BARTLETT CRANE**

**July 5, 1912.  
SAN FRANCISCO**









# Co-operation With State Boards of Health

*Madam President and Ladies and Gentlemen:*

We have striking examples of co-operation between state federations and state boards of health in the work in the State of Washington, which is known to us especially through the representatives here, Mrs. Ellis and Mrs. McEwen; and in the splendid work of my friend, Mrs. Crockett, as head of the Department of Health, in conjunction with the members of her committee located in the various states.

It is natural that state federations and state boards of health should co-operate. Many of our state boards have ideals of public health service which it is impossible for them to approach because of the lack of financial support and of the unintelligent and indifferent attitude of the average citizen. And just as Dr. Wiley has recognized the General Federation of Women's Clubs as the organization without whose aid and support he could not have accomplished his great work, so some of the state boards of health look upon the state federation of women's clubs as the one organization which appreciates their aims and is ready to give valuable help.

We have had, in the States of Kentucky and Minnesota, particularly notable examples of co-operation of this sort, and the President has asked me to tell you something about it tonight.

In the State of Kentucky, some three years ago (the state of our dear Mrs. Breckinridge, who had part in this work) I inspected sanitary conditions in twelve of the leading cities, under the joint auspices of the State Federation of Women's Clubs and the State Board of Health, with the State Dairy and Food Commission and various other organizations co-operating. In the fall of 1910 I made a similar campaign, under similar auspices, covering seventeen of the leading cities of Minnesota.

Under the general supervision of the State Federation, the federated clubs in the various cities made all the local arrangements, collected and forwarded to me in advance certain required data, such as local ordinances bearing upon sanitation, the city charter, printed department reports and maps ac-

curately marked to show extension of water service, sewer service and outlets, parks and playgrounds. The clubs also collected, from city officials and other persons, signed replies to more than a hundred questions concerning their city's income, expenditures and resources; extent and value of present public improvements; details and cost of municipal administration in certain departments, and a great quantity of general statistical information which it was important for me to have before undertaking a personal study of local conditions. The women who have personally undertaken this part of the work have told me that it gave them invaluable insight into the problems of municipal administration; and I have always considered it most important that the women should thus form acquaintance with their officials, and gain an insight into their difficulties before venturing any suggestions for improvements in the conduct of municipal housekeeping or other public affairs.

The State Boards of Health co-operated by furnishing me with the state laws bearing upon local sanitation and with all the state reports, etc.; by sharing the expense of the campaign, and by making me temporarily a health officer of the state (and I may mention that I was also sworn in as a local officer in many of the cities).

Each State Board published my report at the conclusion of the campaign.

On the tours of inspection I was accompanied by local (and sometimes state) officials, and by members of the board of education and various organizations such as the chamber of commerce and the medical association; and always by committees of the women's clubs. We made first-hand studies of water supplies, sewer systems, street and alley sanitation, garbage collection and disposal, smoke nuisance, milk supply, meat supply, market sanitation, school sanitation, and sanitary and other conditions in almshouses, jails and police stations. Wherever time permitted, a study was made of local housing conditions, and, in all cases, inquiry was made into the matter of the local health officer's status in the city government, the degree of his official and popular backing, and the compensation he receives in proportion to the amount and importance of the work he is expected to do.

Now, state boards of health have considerable control, theoretically, over many details of local sanitation. However,

because state boards lack funds, and because local communities are often indifferent to, or even resentful towards, prof- fers of help from outside, the actual local service of many state boards goes little beyond helping to check epidemics of disease after they have gotten beyond local control.

For example: There is in Minnesota, as in many other states, a law forbidding sewage pollution of public water sup- plies. But the State Board is very far from having the money to keep men in the field to prevent or detect violations of this law. Yet in my tours of inspection in many parts of the country, I find violations of this law, which should be one of the most sacred and most rigidly enforced on any statute book. I find many private sewers from commercial establishments and recreation grounds, and many discharging cesspools from almshouses, summer hotels and the like, which do pollute lakes and rivers and surface wells that are used for public water supplies. When numerous leading citizens of a community, on such a tour of inspection, see a thing of this kind with their own eyes, I have hardly known a case when the state law is not speedily invoked for local protec- tion, and the state board more than willing to act. (I some- times find that the state board has known the condition, but has been unable to get local co-operation for the city's own protection.)

The defects in public sanitation surrounding the water sup- ply of cities are numerous and often most surprising. For example, the citizens of a certain city exempted their water supply from suspicion, notwithstanding typhoid fever was endemic, because the water flowed from artesian wells more than a thousand feet deep. A visit of our party to the wells revealed the fact that the water from the several wells was collected, for pumping service, into a "reservoir," and this reservoir was an old surface well in the midst of twelve un- sewered residence blocks! That condition was speedily rem- edied after it was described at a citizens' mass meeting, and all who had visited the wells with me were, of course, prepared to confirm the facts. All the conditions, good and bad, noted in these inspections, are given out thus to the people direct at the mass meetings at the end of each campaign, and this, I as- sure you, is a vastly different thing from simply filing a writ- ten report to be pigeonholed in some official desk. A written report follows, however, in due time, as a tangible basis for constructive action.

A personal study of the sewered and unsewered areas of a city often creates a needed public sentiment, both for the extension of the system to unsewered areas and for requiring all property owners within reach of sewers to connect and to totally abolish the offensive, soil-polluting, fly-breeding outdoor closet.

Other features of the out-door inspection are: A study of street-cleaning methods, as to cost, efficiency and convenience of the people; a leisurely tour of the down-town alleys, which often reveals an embarrassing amount of bad public house-keeping, and a simply appalling disregard for fire risks; a study of the garbage collection, or the lack of it, especially in the business districts and the poorer residence districts, and an investigation of the kind of wagons and cans used, and how they are cleaned, and what is the final disposition of garbage, manure and other waste materials; an investigation of some of the factories, power houses, laundries, etc., which make the greatest smoke nuisance, followed by an object lesson, if possible, in some plants that have done away with smoke, to their own advantage.

When we come to the food supply, the milk is studied in the dairy barns, milk houses, milk wagons and creameries; the meat in the slaughter houses, meat markets and sausage rooms; the other foods in the inner and under-side of bakeries, ice cream and candy kitchens, groceries and restaurants. The women thus learn how to inspect these places, and what are proper and reasonable standards of construction and sanitation. They are taught the use of a score-card, and how to inaugurate a permanent system of inspections which will place all dealers reaching a certain percentage upon the housekeepers' "white list" of recommended establishments. This is a method of public education which has proved most effective in several of the smaller cities. The women find how little protection the state dairy and pure food law really affords them, as a rule, and are ready and able to take the matter largely into their own hands.

School house sanitation is something which state boards are supposed to have more or less control of, since the law often gives them the right to pass upon school house plans before the buildings are erected. But, as a rule, they are unable to send inspectors to see whether their suggestions have been adopted; and the construction, heating, lighting, seating, plumbing, ventilation and fire protection of some of even the



new school buildings—to say nothing of the old ones—suggests that state boards of health could not have been consulted or heeded. In no part of the work are the women more interested than in the study of the school houses. And the almshouses and jails have disclosed to the women many conditions which have led them to undertake radical improvements and to wish to enter upon a personal ministry to the unfortunate “forgotten people,” especially, in the almshouses.

When the question of housing is taken up, it is surprising to find how even the small city will often disclose serious housing evils, and how many cities grow from little to big, apparently in total indifference to housing evils which could so easily have been prevented, but can only with much difficulty be cured. In no relation is it quite so vital to “know your city” and know it early and well, as in relation to the housing of the people.

The question of public health administration, both in city and state, is largely a question of dollars and cents. Club women are quick to see that even the best and most ambitious state board cannot do very much if there is not money for a proper laboratory and for the work of collecting vital statistics, and for travelling inspectors and for expert service in the many lines of examination and research and precaution; all the necessary measures of preventive medicine which might forestall many epidemics so expensive of both money and human life. I am glad to say that, following our state-wide campaign in Kentucky, the legislature, according to the report of the State Board of Health, made in one year more advances in sanitary legislation and money appropriation to carry it out, than had been made in all the thirty years before.

I have not been able to more than touch in a passing manner upon the various phases of co-operation carried out between the state boards and state federations in Kentucky and Minnesota. In the few minutes remaining to me I want to go somewhat more into detail about an instance of co-operation between these two bodies in my own State of Michigan. It is the first instance in which I had part; it is the one which has led furthest; and it has developed into a vital national issue to which I wish to entreat your earnest attention tonight.

More than ten years ago I became chairman of the committee on household economics in the State Federation of Women's Clubs in Michigan, and in outlining a course of

"Studies in Housekeeping," I was led to look into the local milk supply and meat supply of my own city. I found here, particularly in the slaughter houses around about Kalamazoo, a disgraceful condition—but I hasten to say, no more disgraceful than I usually find in the environs of any city or town which has not risen to the necessity of adequate meat inspection. The slaughter houses around Kalamazoo were filthy, revolting, indescribable. And not only the horrible filth of sheds, utensils and surroundings, and the persons and clothing of those doing the work. There was also a total lack of inspection of the animals and carcasses, with the result that any kind of a man could kill any condition of animal in any kind of a place, strip and cut away evidences of disease and offer the meat for sale in our markets; and the same was, and is, true of most cities in our country today.

At this time in Michigan, ten years ago, the State Federation was much interested in the disclosures; the State Board of Health, also. The latter organization asked me to present this matter in detail at their annual meeting, and I did so. A committee was appointed to co-operate in securing reform. Meantime, I found, in an effort to incite local action in my own and other cities in our state, that a general enabling act was needed, to allow all cities and villages to exclude from their limits the meat from slaughter houses that were not licensed, inspected and regulated, according to local ordinance under this general state law. After much study, and with the aid of a lawyer, I drafted this enabling act, and with considerable difficulty we succeeded in getting it on the statute books of the State. The State Board of Health had endorsed the bill and at its request a model meat inspection ordinance was framed, which also received official indorsement and was sent out to inquiring cities over the State and in other states.

Now, during all this time, and up to something over six years ago, while I was very critical of the products of the uninspected local slaughter houses, I had entire confidence in the high pretensions of federal meat inspection. I was advising people to purchase only meat with the stamp "U. S. Inspected and Passed," until such time as their local butchers would clean up and submit to inspection. But in the winter of 1905 and 1906, from learning of criticisms of foreign medical experts upon our inspection, I began to study into it myself; not merely the inspection as carried on in the great packing houses, but the law, and the "Rules and Regulations"

by which the Department of Agriculture assumed to administer the law.

You may be somewhat familiar with the facts given in my testimony at the recent federal meat inspection hearing in Congress, before the House Committee on Expenditures in the Department of Agriculture. If so, you already know that I have there stated under oath my belief that the legend "U. S. Inspected and Passed" is no guarantee that the meat so stamped is, as required under the terms of the law, "sound, healthful, wholesome, and fit for human food."

We are talking much of the need of a federal health service. I think one of the strongest arguments is, that thereby the meat inspection service of our country might be lifted out of the Bureau of Animal Industry and the Department of Agriculture and confided to a non-commercial and non-partisan service which would give us the thing which we sought to gain for ourselves in the meat inspection legislation following the expose of 1906.

Prior to 1906, our meat inspection laws were frankly commercial; they were for the sake of gaining the European market for the products of our great packing houses. But in 1906, following the disclosures of "The Jungle," Congress enacted a law which was supposed to be going to protect American citizens; and for the sake of this protection, Congress voted a fixed annual appropriation of \$3,000,000, which the Department of Agriculture is now seeking to have increased to \$4,000,000.

Now I wish to state that my testimony on the subject of federal meat inspection, covering four sessions of the Committee, is printed as a public document, and I will be glad to send a copy to any person practically interested. Tonight I can only touch on three or four facts out of a great number brought out in the testimony; the first of which is, that the published regulations for federal meat inspection authorize the passing of the carcasses of animals afflicted with such diseases as tuberculosis, hog cholera and actinomycosis in several parts or organs at once. You, perhaps, think of "localized tuberculosis" as tuberculosis limited to one small area in the body. Here is the present meat inspection definition of "localized tuberculosis," which does not hinder the carcass from being passed for food:

"By localized tuberculosis is understood tuberculosis limited to a single or several parts or organs of the

body without evidence of recent invasion of numerous bacilli into the systemic circulation."

On the same day, April 1, 1908, on which the regulations containing this definition were passed, a separate circular of instructions was issued, to inspectors only, which to a great degree obliterated the significance of the fine drawn distinctions between "localized" and "generalized" tuberculosis, and specifically authorized the passing of meat which by the terms of the "Regulations" would have had to be condemned.

Also in my sworn testimony (pp. 99 and 100) I have produced several instances of "decisions" upon carcasses, signed and approved by A. D. Melvin, Chief of the Bureau of Animal Industry, in which cows and hogs with tuberculosis in many parts of the body, including a case of "*several small nodules, size of walnut, in each lung,*" are passed for food; not for lard, but the carcasses to be stamped "U. S. Inspected and Passed." This is a part of what is done in the Chicago "Summer School of Instruction" for veterinary meat inspectors in charge of the packing house stations all over the country. It is something carefully concealed from the American people.

But all the time, throughout the year, instructions are issued to the inspectors, which are carefully kept from the knowledge of the people, inspectors being warned against "giving or showing copies to outsiders," for which offense they "will be severely dealt with." For example, the published Regulations say that any organ or part of a carcass which is the seat of a tumor, malignant or benign, shall be condemned, and that the head and tongue of all lumpy-jawed cattle shall be condemned. But secret instructions authorize inspectors to cut out mild ulcers from lumpy-jawed tongues, and pass the tongues; and a veterinary inspector who followed me on the witness stand told of being required to cut such deep ulcers out of tongues that great gaping holes resulted. And, notwithstanding the diagnosis between benign and malignant tumors (cancers) is in certain instances a difficult thing, the secret instructions authorize the cutting out of "benign" tumors and passing the affected organs! The same of livers and other organs infested with flukes (worms by no means microscopic), though the "Regulations" condemn such affected organs; but they are passed for food by the secret instructions to inspectors.



But all these delicacies are reserved for home consumption. A secret circular relates that 580 cases of ox and lamb livers shipped from the United States to London were condemned by the London port officers on the ground that twenty per cent. of the lamb livers and thirty per cent. of the ox livers had had sections removed from them, and this was held to be evidence that they were diseased. The head of our federal meat inspection service then says:

"In view of these circumstances, bureau inspectors are directed in future not to certify *for export* edible organs, such as livers, which have been mutilated, or from which portions have been removed." (Italics mine.)

So Americans eat not only their own proportion of livers and tongues and other organs and parts from which tumors and abscesses and worms have been cut out, but they eat the portion that is eliminated from all the packers' export trade as well.

England, Germany, France, Switzerland and even Mexico and some South American countries know better than to trust our inspection. They require special safeguards and guarantees, and get them, too. Germany and France require all fresh carcasses to be shipped with lungs and other organs, and many tell-tale glands, intact. What they do is, in fact, to re-inspect these carcasses bearing the stamp "U. S. Inspected and Passed." England requires all hog carcasses to be entirely free from traces of disease, and the glands that prove it must be left in place. Switzerland has very stringent rules about American meat. Mexico and Argentina require all shipments of our meat to be *vised* (that is, "o k'd") by a consular representative before it can be shipped from the American packing house. All this means that slaughtering and dressing of carcasses for these and other countries must be done in a special way; and that means that the best animals would be selected for slaughter—and the worst left for Americans. Americans seem to be about the only civilized people on the face of the earth who will eat what is set before them and ask no questions! Yes, and pay \$3,000,000 a year for the privilege of getting the leavings rejected by the rest of the world.

And, moreover, if you will read this testimony, you will learn that the lowering of standards for federal meat in-

spection (an outrageous and illegal proceeding) has been largely accomplished as the direct and demonstrable result of solicitation of the American Meat Packers' Association; and that known repeated flagrant violations by the packers of the most vital provisions of the law and the regulations go uncorrected and almost unrebuked.

This is not merely a hygienic evil; it is an outrage upon national dignity and self-respect. I cannot believe that the patriotic women of the country, knowing about it, will suffer it to continue. I appeal especially to California and the other free Western states where the women have the vote; and I suggest that a remedy is at hand through cooperation between the State Federation of Women's Clubs and the State Board of Health. Suppose the great State of California, for example, could be brought to a decision that meat which is not good enough for the people of Germany and Mexico is not good enough for the people of California; suppose she should refuse to let the carcasses and products and mutilated fragments of diseased animals cross over into her territory, even though bearing the legend "U. S. Inspected and Passed;"—why, California, alone, could protect herself and at the same time inaugurate a reform which would sweep the United States free of tainted meat and a no less tainted federal meat inspection service.

Women are the housekeepers and the purchasers of food. They certainly have the key to the situation in their hands. And they can effectually declare that, while foreign trade is a good thing for our nation, pure food at home is a vastly better thing, and a thing they propose to have. This is a direct issue between "big business" and the homes and lives of our people. The more foreign trade we have which reserves diseased meat for home consumption, the more of our own citizens will go down, not under two miles of water, but under six feet of earth.

Here is a vital, pressing issue for which I entreat the earnest consideration and energetic action of the federated clubs all over the country. In many states I believe they could obtain the co-operation of their state boards of health in doing away with a condition which is at once a moral disgrace to our nation and a great menace to the public health.







# A Missourian's Views on the Tariff!

---

## CALIFORNIA'S VITAL INTEREST IN IT!

Hugh A. Crawford, President of the Missouri Iron Company and the Sligo Furnace Company, who is also interested in like industries in Alabama, Indiana and Pennsylvania, in which over 2000 workmen are employed daily, has been visiting this State, and carefully noting its industries and resources, and his views as given to the President of this League, are as follows:

I desire to preface my remarks by saying that I am no politician, never held any political office, and have no desire to. I have been actively engaged in business for twenty-five years, and until I read Cleveland's message of last December scarcely took interest enough in politics to go to the polls on election day, but I could see then the effect such erroneous views as he expressed would have on the business of the country, and have been and still am realizing its effects in my own business, and any remarks I may make will be from a purely business standpoint, irrespective of politics or political parties, for I think that if ever in the history of the United States there has been a time when all voters should throw aside all party ties and vote as seems best for the general prosperity of the American people as against the world at large this coming election is the time.

If the world is to be considered as one large family, and all members thereof to be treated alike, I must admit, and all fair-minded men must admit, that free trade absolute is the correct theory, but if we have a special interest in the prosperity of our own people, and the development of our own country, I deny that free trade will conduce to either, and shall attempt in a plain, practical business way to prove it, in such language as will convince any man of ordinary reasoning capacity who is not prejudiced or controlled by the party whip.

To begin with, I do not think the tariff subject a complicated or obtruse one, as I here many say it appears to them. Politicians may argue from now to doomsday for and against it, but it really boils down to a question of wages, and there is nothing else in it.

### TO ILLUSTRATE.

Consider the ocean a street, England on one side, America on the other; England employing we will say, 10,000 men at \$1 a day in some special line of manufacture, America employing 10,000 men at \$2 a day in the same line of manufacture, and competing for the same market. A child can see who will get the trade. To compete with foreign countries, wages must be reduced to the foreign standard. The same wages imply the same conditions of life. Are our laboring classes ready to accept the conditions of life now existing in foreign countries? If they are free trade is what they should vote for. A reduction of wages means reducing the purchasing power of the wage-earner. This means reducing the sales of merchandise of all kinds. The reduction of sales means reduction of gross amount of profits. Illustration: Under the protective policy, a wholesale merchant, we will say, now sells \$1,000,000 worth of goods a year, at a net profit of 5 per cent., or \$50,000. With a reduced scale of wages on the earning capacity of the people, these scales will be reduced to \$500,000, the profits correspondingly, or say \$25,000 a year. The natural effect of this change of conditions will be that the merchant must reduce his expenses. He will do this by discharging some clerks, and those retained will have their compensation reduced. He will then apply to his landlord for a reduction in rent, based on his reduced income, or, in other words, if he has been paying \$10,000 a year for his store-room, he will demand, and get, his rent at \$5,000 a year. The effect of this is

### TO SHRINK THE VALUE

Of real estate 50 per cent., because real estate is valuable according to its income—the rental it brings. How will this affect the man in debt for real estate? Illustration: A person twelve months ago, for instance, considered \$20,000 a fair price for a certain piece of property that he desired. He purchases it at that price, agreeing to pay \$5,000 cash and give his notes at one, two and three years, for \$5,000 each, bearing interest secured by a mortgage on the real estate purchased. Now shrink the value of the real estate by the free trade theory as above recited, and what will it mean at the end of three years? His notes are out for \$15,000, they will not shrink; payment in full will be demanded, or he will forfeit the \$5,000 cash paid on the

property. On the supposition that he pays the full price at maturity, he will have a piece of property that has cost him \$20,000, worth \$10,000.

Now, to illustrate the effect of Cleveland's message on general business: We will begin with the railroads. A syndicate organized for the purpose of building, say, five hundred miles of railroad, composed of New York gentlemen, see this message and read it. If they are thinking men—and they generally are—they see what this means. If Congress acts on Cleveland's suggestions a decline in the price of everything entering into the construction of this railroad will take place. Prudence dictates that they should call a halt or wait.

#### UNTIL PRICES REACH THE LOWEST LEVEL,

Because the prosperity of our road will depend upon its earnings and the amount of fixed charges or interest on the cost. The cheaper we can build it the better shape we will be in for competing with any road that may hereafter come in direct competition with us; therefore we will wait the action of Congress on this subject.

Now, how does it affect the steel-rail manufacturer? He says to himself, this means that we have got to manufacture rails cheaper. The railroad will now postpone building, awaiting the result of Congressional action on this subject. If the tariff is reduced we must be in shape to meet the reduction. How shall we do it? By stopping our mills for a time. The effect of this will be to keep the supply of rails scant, hence a tendency to maintain the price, with the effect of throwing into the hands of producers instead of our hands as consumers the materials necessary for the manufacture of rails. This will become heavy in the hands of the producer, who will probably have to borrow money from the banks for the payment of notes when they mature, and he will be forced to sell his product, and to do so will accept a reduced price. In this way we force labor down also by throwing it out of employment for a certain time. We will then be prepared to meet any probable reduction that Congress may make in the duty on steel rails. This affects stove manufacture, plow manufacture, all classes of consumers in some manner. They rush off their stock of manufactured goods as fast as they can, realizing that they will be able

#### TO MAKE THEM CHEAPER

And that other people will be also able to make them cheaper, and therefore will sell them cheaper. They work up any stock of raw material on hand as rapidly as possible, and dispose of the products of it as rapidly as possible and pursue a hand-to-mouth policy until the question is settled as to what the tariff is to be. The result of this is a stagnation in general business, which will continue during the next year if Mr. Cleveland and a majority of the low-tariff or free-trade Congressmen are elected in November next. Why? Because Cleveland and these Congressmen will consider that the people take the same view of the tariff as Mr. Cleveland; by their votes they say: "We believe in Mr. Cleveland's views." Mr. Cleveland, naturally, as any other man in the same position would reason, says: "The people want a reduced tariff; my duty in the premises is to recommend to Congress the carrying out of the reduced tariff policy." Result, another message to Congress recommending further changes or reductions in the tariff. As a further result, the question is again agitated by Congress next year, with the consequent further stagnation of trade until the question is finally disposed of.

In my opinion, the stagnation in trade in 1885 resulted from a fear on the part of business men that Mr. Cleveland would recommend early during his term of office the same policy which he deferred recommending until December last. Active business in 1887, in my opinion, was the result of a return of confidence on the part of business men that Cleveland was not going to recommend what they had been fearful of.

#### THE ONLY CLASS OF AMERICAN CITIZENS,

That I can see that would be benefited by free-trade is the importer of foreign goods. I can understand how, through selfish motives, men of large wealth, consisting of securities convertible into cash at short notice, might favor free-trade; for this reason: they know that it means a shrinkage in the values of everything; therefore if before the adoption of the free-trade theory they dispose of all their securities, convert them into hard cash, they will be able, after the shrinkage in values has taken place, to purchase say twice the quantity of securities for the same money at which they sold them. Then, realizing that after a year or so of free-trade the American people would see the error of it and demand a protective tariff again, an advance in the values will at once take place and they will in this way double their fortunes. But this is anything but a patriotic motive.

California probably owes as much to a protective tariff as any State in the Union. Let me illustrate: The first importation of steel rails into America, I believe, was made by the Pennsylvania Railroad Company and cost \$200 per ton in gold delivered at Philadelphia. These, I believe, were English rails. Within a short time thereafter Congress imposed a duty of \$28 per ton upon the steel rails. The result of this \$28 a ton duty was to encourage capital in the manufacture of steel rails in America, up to which time none had been made here in America. Eleven large steel works were erected soon after the passage of this

## TARIFF.

I will name a portion of them. There was one at Scranton, Pa.; one at Bethlehem, Pa.; one at Harrisburg, Pa.; two at Chicago; one at Joliet, Ill.; one at Cleveland, Ohio, and one at St. Louis, Mo.

Within a very few years from the inauguration of the manufacture of steel rails in this country, home competition forced the price down to \$75 or \$85 per ton. Had not this tariff law been passed it is not supposable that the price of foreign rails would have declined in this way. The result would probably have been that no transcontinental railroads would have been built joining the Eastern States with California, or if built at such an enormous price as the English demanded for their steel rails the cost of the roads would have been from two to three times as much as they did cost. Under such circumstances the railroad companies would not have been able to transport passengers and freight at as low prices as they are now enabled to do and are doing. Any one can see readily what the effects would have been to California. Instead of being able to-day to buy a round-trip ticket from St. Louis to San Francisco and return for \$92, I would probably have had to pay twice to three times that sum. I am only one of thousands of citizens of the Eastern States who come to California to visit. The probabilities are that many thousands who now come would not have come. If these visitors are of any benefit to California in the money that they expend in traveling through the State it is not hard to realize what the effect would have been had they not come.

A great deal of the fruits raised in California,

## INCLUDING RAISINS,

is used in the East. It is a very customary thing among Eastern men of moderate means, as well as those of more ample means, to supply their family table with fruits raised in California. Now, if the income of everybody East, as well as West, is to be reduced by the adoption of free-trade, California fruits, which we all consider a luxury East, will be one of the first things to be dispensed with. Californians can figure for themselves the effect upon the fruit growers, the transportation companies, and the labor employed in cultivation.

The acceptance, as before stated, of foreign wages, means acceptance of the same conditions of life. The American laborer will not accept such wages nor such conditions without a struggle. Many rather than do so, will resort to farming, for which millions of acres of land of this country stand ready to receive them, never having had a plow on them. They will thus become producers instead of consumers of agricultural products; in other words, an increasing of the supply and a decreasing of the demand for such products will take place. A child will be able to see what the effect will be. If our factories stop by reason of labor not being willing to accept foreign wages and conditions, and the wants of the country for manufactured goods continue as now, they must be imported. The natural effect of an enlargement of the demand for foreign goods will be an enhancement of price; and right here, some free-traders will admit this, and claim that by such increase of price American manufacturers will re-engage in business and pay laborers the customary and former price for their labor. But I do not think they will do so, because they realize that when the foreign manufacturers see them re-engaging in this line of business, out of which they, by reason of an increased demand upon them, are realizing immense profits, they will attempt, and no doubt succeed, in smothering them out of existence. They can do so by reducing their price, and evidently will do so rather than allow the competition against them to exist. Therefore, capital will not re-engage in a non-productive industry so long as it knows that the foreign manufacturer holds over them a club by which they can be knocked down at his pleasure.

Mr. Cleveland, I believe, asserts that the consumer pays the duty. I claim that this is erroneous, and will only pick out one article by which to disprove it. If such an assertion be correct, every fair-minded individual, I think, will admit that I nor no other American citizen can to-day purchase an article manufactured in America of equal quality with the foreign article for less than the foreign price plus the duty and the freight. To-day Bessemer steel rails are quoted at 3 pounds 16 shillings per ton aboard ship at English ports. Practically, this is \$19 per ton. The duty to-day is \$17 per ton. The freight probably about \$3. Then the cost of English steel rails per ton delivered at New York, we may say, is \$40 per ton. Two dollars per ton would be a low rate of freight from New York to Pittsburg, at which point Bessemer steel rails are manufactured largely, making the cost of English steel rails delivered at Pittsburg \$42 per ton. The price of

## AMERICAN STEEL RAILS

At Pittsburg to-day, in almost unlimited quantities, ranges from \$31 to \$31.50 per ton.

I think I have shown Mr. Cleveland's assertion to be incorrect, and this is only one of numerous articles that need be mentioned. I claim that the higher the tariff the cheaper the goods are likely to be to the consumer. Why? It induces the investment of more capital in different lines of business, produces a competition among home manufacturers, who are not so fearful of a home competition as they are of foreign, with the result that all work for a moderate return and the consumer thereby gets the benefit, and the labor employed in American manufactures receives wages



required for the protection of these articles instead of the laborer of the foreign country.

No fear of any combination or trusts lasting any lengthy period. Why? With money in New York a drug at the present time at rates varying from 1 to 3 per cent. per year, it is not supposable that any combination of business men could receive exorbitant prices for any article, because this money would at once be put into such classes of business instead of accepting such low rates of interest.

The surplus appears to bother the Democratic politician a great deal. I think a nation is like an individual. If I have \$100,000 in bank to-day and have my notes out for half a million maturing at different dates ahead, I claim I have no surplus, but am \$400,000 worse off than nothing. With the nation owing some eleven hundred million dollars, evidenced by bonds maturing at different dates, and with only say \$120,000,000 to \$150,000,000 in the Treasury, I claim that

#### THERE IS NO SURPLUS,

But that the nation, like the individual, should apply the funds on hand in the payment of purchase of maturing obligations before any claim can be made of having any surplus.

The destruction of our manufactures means increased importations of manufactured goods. Increased importation, even at reduced tariff, will result in augmentation of the so-called surplus rather than in diminishing it. It will send out of our country gold for the purchase of foreign goods, which, if kept at home and paid to our own citizens, all would receive more or less benefit from it as it passes around from one to another. A nation is like an individual—more outgo than income, it is bound to get poor. Free-trade will not induce England to buy one bushel more grain than now. She buys now from us just what she can consume, and buys of us only when as cheap as from India or other sources of supply. They are human, and not likely to make gluttons of themselves in order to consume more of our grain. Securing the markets of the world for America, which we hear so much talk of, in my opinion is a nonsensical idea, based on any other hypothesis than our ability to produce as cheaply as foreign countries, and to do so means equal or less wages than theirs, and I think no one can dispute it.

Never was an issue before the people of America which so imperatively calls upon all voters to cast aside party ties and vote for the protection of themselves and their country as now.

#### EFFECTS OF THE MESSAGE.

I have referred to effects of the message on my own business, and will briefly state them. In 1887 we produced at our furnace 16,000 tons of charcoal pig-iron, and sold it about as fast as made at a fair business profit. Since the message we had not, up to the time of my departure from St. Louis (August 1st), been able to dispose of one-quarter of our current production, and the portion sold has barely netted us cost, although labor was reduced by necessity ten per cent. early this spring. We decline to sell at a loss, and dislike to further reduce wages. We are continuing operations and are piling up iron rather than sell at a loss, and we are doing so in the confident belief in the intelligence of the majority of American voters next November snowing Mr. Cleveland and all others of like views under so deep as to be beyond political resurrection, and we feel assured that the election of Harrison and Morton and a majority of protection Congressmen, and the confidence such result will give to the business community in the retention of the protective policy, will result in a healthful reaction in all branches of trade, and enable us to realize a fair return for our capital, and a fair profit on our stock of iron on hand, which, by November, will probably aggregate enough to load a train of cars at least five miles long. If we are disappointed in the result of the election, and Mr. Cleveland again goes back to rule, we see nothing ahead but a suspension of business and accepting such prices for our stock as we can get, or holding on to it until the people come to their proper senses, and which a year of free trade will bring about, as it will result in such

#### A HARVEST OF BANKRUPTS

As has not occurred in five prior years aggregated, and universal stoppage of American manufacturing industries and unemployed American labor, and a return to the protective policy will be demanded and adopted.

In support of my assertion that American labor receives greater compensation than foreign, I will only instance that four years ago, when I was in England, puddlers in rolling-mills there were receiving \$1.75 per ton, and at the same time we were paying for the same labor at our rolling-mills in Indiana \$5.25. To-day we are paying \$5.50, and England's average is \$1.57. The more manufacturing this country does the more demand for labor, and hence the better wages it can command. If it is desired to bankrupt this country and build up foreign countries at our expense, return Mr. Cleveland and a free-trade Congress to Washington this fall, and the end will be accomplished. The tariff is a vital question, and every American, from the highest to the lowest, is interested in the issue, and our interests are all so closely interwoven that we are, you might say, like a row of bricks set closely together on end, and if we knock one down all participate in the general downfall, and all foreign countries grow fat on our misfortunes.



# Emergency Revenue Legislation—Tax on Wine.

## REMARKS

OF

HON. CHARLES F. CURRY,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

*Friday, September 25, 1914,*

On the bill (H. R. 18891) to increase the internal revenue, and for other purposes.

Mr. CURRY. Mr. Speaker, I hold in my hand hundreds of letters and telegrams from my constituents protesting against the almost confiscatory tax on wine imposed by this bill. The letters and telegrams are individual expressions of opinion and do not represent an organized effort to manufacture public sentiment. Some of the protests are from commercial organizations, business men, bankers, professional men, and wine makers, but the great majority of them are from farmers, vineyardists, who do not make wine, but who grow the grape.

Mr. Speaker, I do not propose to discuss the question as to whether or not the condition of the Treasury makes it necessary for the Congress to enact a law providing for the collection of additional internal-revenue taxes to meet the running expenses of the Government. In my opinion that claim was convincingly disproved by the very able speech of Mr. PAYNE. But assuming, for the sake of argument, and taking it for granted that the money is needed and the method of raising it by internal-revenue taxation is advisable, I wish to call attention to the manner in which this bill, if enacted, will affect the people of my State.

It is estimated that the United States has a population of about 100,000,000, and the State of California has a population of 2,250,000, or 2¼ per cent of the population of the country. This bill proposes to raise in internal-revenue taxes \$105,000,000, of which amount California industry will be called upon to contribute, at a conservative estimate, between \$10,000,000 and \$12,000,000; that is, the 2¼ per cent of the population of the country residing in California will pay more than 10 per cent of the entire tax. I believe the combined tax on wine and gasoline in my State is expected to produce more than \$10,000,000. Can any gentleman defend that as an equitable distribution of the burdens of this tax? I think not.

The vineyardists and wine manufacturers of the State are in particular subjected to an outrageously excessive and unjust

tax of from 100 per cent to 150 per cent on wine. This tax will hurt the farmers, the growers of the grape, more than it will the wine makers. It is estimated that this tax alone will produce a revenue of \$6,000,000.

In California 340,000 acres of land are planted in grapes as follows:

	Acres.
In wine grapes-----	168, 500
In raisin grapes-----	110, 500
In table grapes-----	61, 000
Total-----	340, 000

There are 15,000 vineyards in the State, some of them ranging in size from 200 acres to one of 3,200 acres, but most of them are in small holdings of from 10 to 25 acres each.

Seventy-five thousand people are supported by grape culture in California. They depend on raising and selling grapes for a living. This does not take into account the number of people and their families engaged in the wineries, making wine from the grape.

The amount of money invested in vineyards and wineries is over \$200,000,000.

The cost of making a vineyard of bearing vines averages \$300 per acre.

Grapevines yield from 4 to 8 tons per acre per annum, and are sold to the wineries at from \$7.50 to \$11 per ton. Some years extra choice dry wine grapes may be sold for as much as \$25 a ton.

The net profit to the grape grower is small, as the cost of developing and cultivating a vineyard is great.

A ton of grapes makes from 150 to 160 gallons of dry wine or 80 gallons of sweet wine. The reason that a smaller quantity of sweet wine than dry wine is made from a ton of grapes is because a portion of the grapes in the manufacture of sweet wine is distilled into brandy, which is used to fortify the sweet wine.

It costs from 8 cents to 12 cents per gallon to make dry wine and 20 cents per gallon to make sweet wine.

Dry wine is sold at the wineries in bulk for from 16 cents to 19 cents per gallon, and sweet wine at an average of 29½ cents per gallon.

This bill will put a tax of from 100 per cent to 150 per cent on dry wine and of 100 per cent on sweet wine.

If the pure food law is rigidly enforced, the sweet wine can stand the tax, excessive as it is, better than can the dry wine, as in this country most of the sweet wine is used in the manufacture of patent medicines, is prescribed by physicians, to a limited extent is used in cooking, and but a small amount is used by the people as a beverage.

Dry wine is an article of diet used as a drink with their meals by a large number of our citizens, particularly those of foreign birth and their children, and more particularly by those from France, southern Europe, and parts of Germany. Dry wine is also regularly used on the tables of many Californians

and Louisianians. They use it with their meals as most people use tea and coffee. This tax on dry wine will add to the cost of living of many frugal, hard-working people in moderate circumstances. The alcoholic content of much of the light California dry wine is very small; no more, in fact, than is contained in the so-called soft drink, ginger beer. Sweet wine has an alcoholic content of not less than 14 per cent and not more than 24 per cent.

The product of the California vintage of 1912 was:

	Gallons.
Dry wines-----	24, 000, 000
Sweet wines-----	17, 718, 000
Total-----	41, 718, 000

The vintage of 1913 of both dry and sweet wines was about 42,000,000 gallons, about 25,000,000 gallons of which was dry wine and about 17,000,000 gallons sweet wine.

Nearly one-half of our vineyard acreage is planted in wine-grape vines, and the grapes are of no commercial value except to make wine. One-third of the table and of the raisin grapes have no other commercial value than a winery value.

Only the choicest clusters of picked grapes can be sold for table use and used for drying into raisins. The balance of the table and raisin grapes are sold to be made into sweet wine and brandy.

The wineries can not stand this tax. Their capitalization represents actual investment. There is no watered stock in their corporations. During the past few years dividends have been few, small, and far between. If the tax is imposed they may slightly raise the price of wine and take part of the tax out of the consumer, but they will reduce the price of grapes, and the farmer, the vineyardist, will be compelled to accept very much less than prevailing prices heretofore paid.

The wineries have the greatest part of three vintages in their cellars, and this tax may result in their making only a limited quantity of wine for years to come. They will undoubtedly buy only enough grapes at a reduced price and make only enough wine to prevent the total destruction of the vineyards or the abandonment of the largest part of the grape-growing industry of the State.

The wine grapes are ripe and ready for gathering in California. This year's crop is the largest in the history of the State, but with the exception of those previously contracted for by the wineries they are not being picked, because the wineries will not buy them pending action on this measure. After this bill has been enacted into law the wineries may buy what is left of the crop, but they will pay for them much less than the vineyardists have been used to receiving for them.

It has been stated that domestic wine can stand the tax, as very little, if any, foreign wine will be imported during the continuation of the European war, but such is not the fact. Most of our wine importations come from Spain, Portugal, Italy, and southern France, where the wine industry is not affected by the war. No champagne and no German wine will be im-

ported during the war, but so far as we know the manufacture of wine in the other wine-producing foreign countries and districts will not be affected by the war. It will continue to be imported as heretofore, and our excessively taxed domestic wine will be compelled to compete with it in our home market.

I hope this enormous tax will not be imposed by the Congress on our grape and wine industry.

No other country, not even one of those engaged in war, has imposed such a burden of taxation on its viticultural industry.

63118—14043



C. F. Curry 9.

THE UNITED STATES—A WHITE MAN'S  
COUNTRY, ENJOYING A WHITE  
MAN'S CIVILIZATION

---

REMARKS  
OF  
HON. CHARLES FORREST CURRY  
OF CALIFORNIA  
IN THE  
HOUSE OF REPRESENTATIVES

MAY 1, 1913



WASHINGTON  
1913

90736—11954



REMARKS  
OF  
HON. CHARLES FORREST CURRY.

---

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes.

Mr. CURRY. Mr. Chairman, the manufacturers of cane sugar are said to be operating under an international agreement, with headquarters at Berlin and a substation at New York. They can take care of themselves under free trade, whether it comes now or three years hence. But the Lord have mercy on the sugar planter of Louisiana that is being betrayed in the house of his friends!

This bill gives the beet-sugar industry of the United States, the only competitor of the Sugar Trust, three years' notice to wind up its affairs and get out of business. It has been stated on this floor that the beet-sugar industry is in the hands of the trust. So far as California is concerned, the trust has nothing whatever to do with any of the 13 factories in that State. They are absolutely independent. They have to fight the Sugar Trust, and they have reduced the price of sugar.

It has cost us on the average during the past three years \$2.88½ a hundred to manufacture beet sugar in California, and yet to-day that sugar is transported to New York and sold for \$4.06 a hundred. If it was not for the competition of the beet-sugar factories and the beet sugar in this country, the price of sugar would be nearly twice as high as it is at the present time, and the American consumer of sugar would be absolutely in the power and at the mercy of the Cane-Sugar Trust, which is international and has only the beet-sugar people to fear. [Applause on the Republican side.]

Some time ago the gentleman from Alabama [Mr. UNDERWOOD] read an excerpt from an article in a California news-

paper in reference to the labor conditions on the beet farms in Sutter County. The truth of the matter is that some time ago the Alameda Beet Sugar Co. contemplated erecting a beet-sugar factory in the town of Meridian, in Sutter County. They contemplated spending \$2,000,000 on the factory and in the acreage. They have \$45,000 worth of steel on the ground now, but knowing that this bill will be enacted into law, the construction of that factory has been abandoned.

There are in California 25,000 people engaged in the beet-sugar industry. Of that number less than 500 are orientals, and most of them are employed on the beet farms. We do not want the orientals. California has recently shown to the world that she is willing to go to the limit of her constitutional authority to stop the immigration of orientals into this country. We want the help of the people of the United States, for this country always has been and is now, and, I pray God, always will be a white man's country, enjoying a white man's civilization, which is the result of the best thoughts and best efforts of the best minds that have inhabited and benefited the earth by right living and exalted thinking.

While the desire for liberty is as old as the aspirations of the human heart for higher and better conditions, the liberty we enjoy is a new thing in government, and dates practically from the Revolutionary War. It cost unnumbered precious lives and untold treasure. It is our obligation to transmit it to posterity as pure as we received it from the founders and preservers of the Republic, who suffered so much and who mutually pledged their lives, their fortunes, and their sacred honor in order that they and we might be free. The people of a republic can only maintain their liberty as long as the people are homogeneous, speak the same language, and occupy contiguous territory, worship the same God, and are intelligent, law-abiding citizens who love liberty and are willing to defend it. [Applause.]



## A Plea for the Collection, Preservation and Diffusion of Information Relating to the History of California

Address delivered on Admission Day, at Colton Hall, Monterey, September 9, 1908.

By JOHN F. DAVIS, of Excelsior Parlor, No. 31, N. S. G. W.

*Native Sons, Native Daughters and Friends:*

In no more appropriate spot in California can the anniversary of the admission of the State into the Union be held than in that town where still stands Colton Hall. In no other place beneath California skies is there a greater wealth of romantic historic interest. Here, in 1602, the navigator, Sebastian Vizcaino, visited and took possession in the name of Philip III of Spain, and Padre Ascension celebrated the mass under a spreading oak tree near the water's edge; here, on June 3, 1770, more than a century and a half afterward, Portala raised the Spanish standard and took possession in the name of Carlos III of Spain, and on the same day, Father Junipero Serra, who accompanied the expedition, founded the Mission of San Carlos Borromeo, which he afterwards moved to Carmelo; here was the capital of California under the Spanish dominion until it ended with Governor Sola; here, on April 9, 1822, the junta met, which passed the resolution of acquiescence in the government of the new republic, took the prescribed oath, and raised the flag of Mexico; here, in November, 1836, the Hispano-Californian revolutionists under Alvarado took possession of the town, and declared the country a sovereign State, recognizing only a federation with Mexico, though they left the Mexican flag still floating; here, in 1842, Commodore Jones, on a false report that war had started with Mexico, entered the harbor, seized the port, and raised the American flag, and upon hearing that the report upon which he had acted was unfounded, hauled down the flag the next day, apologized and retired; here, in 1844, Thomas O. Larkin was appointed the first and the last American consul of the port; here, on July 7, 1846, Commodore Sloat raised the Stars and Stripes; here, in Colton Hall, assembled on September 1st, and organized on September 3, 1849, the first constitutional convention—the convention which gave to California the constitution with which she came into the Union upon a day, the fifty-eighth anniversary of which we are celebrating today. Here historic associations abound, and historic monuments abide. Even the landscape, in part, endures.

"I love to go to Monterey," said General Vallejo in his old age, "for there I may yet find a little of the dear and almost obliterated past. There is yet the ocean that smiles for me as I approach, and venerable, bearded oaks, to which I raise my hat as I pass under them; and there are streets still familiar, and houses not yet torn down, and streams and landscape which I may yet recognize as part of my former belongings. But, after all, these are only the unfabricated grave-gear that tell I am not yet dead."

Such an environment is well calculated to arrest our attention, and to lead our thoughts afield. In the presence of these reminders of the

## ADMISSION DAY ADDRESS.

past, vainglorious praise of the present and roseate prophecies of the future seem alike out of place. May it not be well today, if, instead of dwelling upon the vast material and moral resources of the State, if, instead of singing the old song of the beauties and charm of "a land of sunshine, fruit and flowers," we try to ascertain what has been done to collect, preserve and diffuse information relating to the history of this commonwealth; and, if we shall find that nothing adequate has been done, to inquire what intelligent action has effected along those lines in other sections of our country, and to dedicate ourselves to work toward the accomplishment of like results?

The early history of this coast came as an off-shoot of a civilization whose antiquity was already respectable. "A hundred years," says Hubert H. Bancroft, "before John Smith saw the spot on which was planted Jamestown, or the English pilgrim placed foot on the rock of Plymouth, thousands from Spain had crossed the high sea, achieving mighty conquests, seizing large portions of the two Americas, and placing under tribute their peoples. They had built towns, worked mines, established plantations, and solved many of the problems attending European colonization in the new world."

One of the truest of our modern critics—Charles F. Lummis—has said: "We love manhood; and the Spanish pioneering of the Americas was the largest, longest and most marvelous feat of manhood in all history."

The past of California possesses a wealth of romantic interest, a variety of contrast, a novelty of resourcefulness and an intrinsic importance that entralls the imagination.

It is not my purpose today—the time would not permit it—to review the different phases of California history. I do not intend to lay before your minds a vision of the twilight of romance in this State when it was "a mere field of cosmographic conjecture, its position, somewhere on the way from Mexico to India, being vaguely fixed by such bounds as Asia, the North Pole, Newfoundland and Florida," though that in itself is a story of deep interest. I shall not attempt to give you the interesting account of the hardship and high endeavor of the splendid band of navigators, beginning with Cabrillo in 1543, who discovered, explored and reported on its bays, outlets, rivers and coast line, whose task was as desperate, and whose exploits as heroic, as anything accomplished by the Norsemen in Iceland, the discoverers of the Atlantic Coast, or the circumnavigators of the Cape of Good Hope. I do not desire to picture to you the decades of the pastoral life of the hacienda and its broad acres, though I trust the pen of some native Californian will yet adequately depict the charm of the monotony, the hospitality and the liveliness of its social life. I do not intend to recall the miniature struggles of church and State, the many political controversies of the Mexican regime, or the play of plot and counterplot that made up so much of its history "before the Gringo came." I shall not try to tell you the story of the discovery of gold and its world-thrilling incidents, nor of the hardship and courage of the emigrant trail, nor of the importance of the mission of the pathfinder and the excitement of the conquest, each in itself an experience full to the brim, each varied, and each full of its local color.

Let me rather call attention to three incidents of our history, ignoring all the rest, to enforce the point of its uniqueness, its variety, its

## ADMISSION DAY ADDRESS.

novelty, its importance, as entitling it to its proper proportionate place in the history of the nation.

And first of all, the story of the Missions. The story of the Missions is the history of the beginning of the colonization of California. The Spanish government was desirous of providing its ships, on the return trip from Manila, with good harbors of supply and repairs, and was also desirous of promoting a settlement of the north as a safeguard against possible Russian aggression. The Franciscans, upon the expulsion of the Jesuits in 1767, had taken charge of the missions, and in their zeal for the conversion of the Indians, seconded the plans of the government.

"The official purpose here, as in older mission undertakings," says Dr. Josiah Royce, "was a union of physical and spiritual conquest, soldiers under a military governor co-operating to this end with missionaries and mission establishments. The natives were to be overcome by arms in so far as they might resist the conquerors, were to be attracted to the missions by peaceable measures in so far as might prove possible, were to be instructed in the faith, and were to be kept for the present under the paternal rule of the clergy, until such time as they might be ready for a free life as Christian subjects. Meanwhile, Spanish colonists were to be brought to the new land as circumstances might determine, and, to these, allotments of land were in some fashion to be made. No grants of land in a legal sense were made or promised to the mission establishments, whose position was to be merely that of spiritual institutions, intrusted temporarily with the education of neophytes, and with the care of the property that should be given or hereafter produced for the purpose. On the other hand, if the government tended to regard the missions as purely subsidiary to its purposes, the outgoing missionaries to this strange land were so much the more certain to be quite uncorrupted by worldly ambitions, by a hope of acquiring wealth, or by any intention to found a powerful ecclesiastical government in the new colony. They went to save souls, and their motive was as single as it was worthy of reverence. In the sequel, the more successful missions of Upper California, became, for a time, very wealthy; but this was only by virtue of the gifts of nature and of the devoted labors of the padres."

Such a scheme of human effort is so unique and so in contradiction to all that obtains today, that it seems like a narrative from another world. Fortunately, the annals of these missions, which ultimately extended from San Diego to beyond Sonoma, stepping-stones of civilization on this coast, are complete, and their simple disinterestedness and directness sound like a tale from Arcady. They were signally successful because those who conducted them were true to the trusteeship of their lives. The reason that their work has passed away, and that nothing is now left of them but a few monuments to mark their resting places, is because the peoples whom they subdued and civilized have themselves passed from these valleys and hills. It is a source of high satisfaction that there was here no record of overreaching the simple natives, no failure to respect what rights they claimed, no carnage and bloodshed, that have so often attended expeditions sent nominally for civilization, but really for conquest. If the teeming acres are now otherwise tilled, and if the herds of cattle have passed away, and the communal life is gone forever, the records

## ADMISSION DAY ADDRESS.

of what was accomplished in those pastoral days has immortalized the names of Salvatierra and Junipero Serra. In a sense, the work of these missions is now dead, dead as the Blue Laws of Connecticut, yet the memory of those days still remains to us as a legacy, and what monuments are left of them are being preserved by us and will be cherished by our children. As the fishermen off the coast of Brittany tell the legend that at the evening hour, as their boats pass over the vanished Atlantis, they can still hear the sounds of its activity at the bottom of the sea, so every Californian, as he turns the pages of the early history of his State, feels at times that he can hear the echo of the Angelus bell of the missions that are dead and gone, and amid the din of the money-madness of these later days, can find a response in the better angels of his nature.

In swift contrast to this idyllic scene, which is shared with us by few other sections of this country, stands the history of a period where for more than two years this State was without authority of law, and where the only authority was such as sprang from the instinct of self-preservation. No more interesting phase of history in America can be presented than that which arose in California immediately after the discovery of gold, with reference to titles upon the public domain. James W. Marshall made the discovery of gold in the race of a saw mill at Coloma in the latter part of January, 1848. Thereupon took place an incident of history which demonstrated that Jason and his companions were not the only argonauts who ever made a voyage to unknown shores in search of a golden fleece. The first news of the discovery almost depopulated the towns and ranches of California, and even affected the discipline of the small army of occupation. The first winter brought thousands of Oregonians, Mexicans and Chilenos. The extraordinary reports that reached the East were at first disbelieved, but when the private letters of army officers and men in authority were published, an indescribable gold fever took possession of the nation east of the Alleghenies. All the energetic and daring, all the physically sound of all ages, seemed bent on reaching the new El Dorado. The old Gothic instinct of invasion seemed to survive and thrill in the fiber of our people, and the camps and gulches and mines of California witnessed a social and political phenomenon unique in the history of the world, the spirit and romance of which have been immortalized in the pages of Bret Harte.

Before 1850 the population of California had risen from 15,000, as it was in 1847, to 100,000, and the annual average increase for six years thereafter was 50,000. The novelty of this situation produced in many minds the most marvelous development. "Every glance westward was met by a new ray of intelligence; every drawn breath of western air brought inspiration; every step taken was over an unknown field; every experiment, every thought, every aspiration and act were original and individual.

At the time of Marshall's discovery the United States was still at war with Mexico, its sovereignty over the soil of California not yet recognized by the latter. The treaty of Guadalupe Hidalgo was not concluded until February 2d, the ratified copies thereof not exchanged at Queretaro till May 30th, and the treaty not proclaimed until July 4, 1848. On the 12th of February, 1848, ten days after the signing of the treaty of peace, and about three weeks after the discovery of gold



## ADMISSION DAY ADDRESS.

at Coloma, Colonel Mason did the pioneers a signal service by issuing as Governor the proclamation concerning the mines, which at the time was taken as a finality and certainty as to the status of mining titles in their international aspect: "From and after this date the Mexican laws and customs now prevailing in California, relative to the denouncement of mines, are hereby abolished." Although, as the law was fourteen years afterwards expounded by the United States Supreme Court, the act was unnecessary as a precautionary measure, still the practical result of the timeliness of the proclamation was to prevent attempts to found private titles to the new discovery of gold on any customs or laws of Mexico.

Meantime, and in fact until her admission into the Union as a State, California was governed by military authority. Except to provide for the delivering and taking of mails at certain points on the coast, no Federal act was passed with reference to California in any relation; in no Act of Congress was California even mentioned after its annexation, until the Act of March 3, 1849, extending the revenue laws of the United States "over the territory and waters of Upper California, and to create certain collection districts therein." The act of March 3, 1849, not only did not extend the general laws of the United States over California, but did not even create a local tribunal for its enforcement, providing that the District Court of Louisiana, and the Supreme Court of Oregon should be courts of original jurisdiction to take cognizance of all violations of its provisions. Not even the Act of the 9th of September, 1850, admitting California into the Union, extended the general laws of the United States over the State by express provision. Not until the Act of September 28, 1850, establishing a district court in the State, was it enacted by Congress "that all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of California, as elsewhere within the United States."

Though no general Federal laws were extended by Congress over the late acquisitions from Mexico for more than two years after the end of the war, the paramount title to the public lands had vested in the Federal government by virtue of the provisions of the treaty of peace; the public land itself had become part of the public domain of the United States. The army of occupation, however, offered no opposition to the invading army of prospectors. The miners were, in 1849, twenty years ahead of the railroad and the electric telegraph; and the telephone had not yet been invented. In the parlance of the times, the prospectors "had the drop on the army." In Colonel Mason's unique report of the situation that confronted him, discretion waits upon valor. "The entire gold district," he wrote, "with few exceptions of grants made some years ago by the Mexican authorities, is on land belonging to the United States. It was a matter of serious reflection with me how I could secure to the government certain rents or fees for the privilege of procuring this gold; but upon considering the large extent of the country, the character of the people engaged, and the small scattered force at my command, I am resolved not to interfere, but permit all to work freely." It is not recorded whether the resolute Colonel was conscious of the humor of his resolution.

The prospectors and miners, were, then, in the start, simply trespassers upon the public lands as against the government of the United

## ADMISSION DAY ADDRESS.

States, with no laws to guide, restrain or protect them, and with nothing to fear from military authorities. They were equal to the occasion. The instinct of organization was a part of their heredity. Professor Macy, of Johns Hopkins University, once wrote: "It has been said that if three Americans meet to talk over an item of business, the first thing they do is to organize."

"Finding themselves far from the legal traditions and restraints of the settled East," says the report of the Public Lands Commission of 1880, "in a pathless wilderness, under the feverish excitement of an industry as swift and full of chance as the throwing of dice, the adventurers of 1849 spontaneously instituted neighborhood or district codes of regulations, which were simply meant to define and protect a brief possessory ownership. The ravines and river-bars which held the placer gold were valueless for settlement or home-making, but were splendid stakes to hold for a few short seasons and gamble with nature for wealth or ruin.

"In the absence of State and Federal laws competent to meet the novel industry, and with the inbred respect for equitable adjustments of rights between man and man, which is the inheritance of centuries of English common law, the miners only sought to secure equitable rights and protection from robbery by a simple agreement as to the maximum size of a surface claim, trusting, with a well-founded confidence, that no machinery was necessary to enforce their regulations other than the swift, rough blows of public opinion. The gold-seekers were not long in realizing that the source of the dust which had worked its way into the sands and bars, and distributed its precious particles over the bed-rocks of rivers, was derived from solid quartz veins, which were thin sheets of mineral material inclosed in the foundation rocks of the country. Still in advance of any enactments by legislature or Congress, the common sense of the miners, which had proved strong enough to govern with wisdom the ownership of placer mines, rose to meet the question of lode claims, and sheet-like veins of quartz, and provided that a claim should consist of a certain horizontal block of the vein, however it might run, but extending indefinitely downward, with a strip of surface on, or embracing the vein's outcrop, for the placing of necessary machinery and buildings. Under this theory, the lode was the property, and the surface became a mere easement.

"This early California theory of a mining claim, consisting of a certain number of running feet of vein with a strip of land covering the surface length of the claim, is the obvious foundation for the federal legislation and present system of public disposition and private ownership of the mineral lands west of the Missouri river. Contrasted with this is the mode of disposition of mineral-bearing lands east of the Missouri river, where the common law has been the one rule, and where the surface tract has always carried with it all minerals vertically below it.

"The great coal, iron, copper, lead and zinc wealth east of the Rocky Mountains have all passed with the surface titles, and there can be little doubt that if California had been contiguous to the eastern metallic regions, and its mineral development progressed naturally with the advantage of home-making settlements, the power of common-law precedent would have governed its whole mining history. But California was one of those extraordinary historic exceptions that defy

## ADMISSION DAY ADDRESS.

precedent and create original modes of life and law. And since the developers of the great precious metal mining of the far West have for the most part swarmed out of the California hive, California ideas have not only been everywhere dominant over the field of industry, but have stemmed the tide of federal land policy and given us a statute-book with English common law in force over half the land and California common law ruling in the other."

I have spoken of these two incidents, the one of the peaceable civilization of the missions, and the other of the strenuous life issuing in the adoption of the mining code, as illustrative incidents of the variety of California history. Let me speak of a third, directly connected with the day we celebrate. The delay incident to the admission of California into the Union as a State was precipitated by the tense struggle then raging in Congress between the North and the South, as to which should have the predominance of power. The destiny of the nation hung upon the result of that issue, and when California finally entered the Union, it came in as the sixteenth free State, and forever destroyed the equilibrium between the North and the South, which up to that time had been maintained.

The struggle had been so prolonged, however, that the people upon this Coast, far removed from the scene of it, and feeling more than all else that they were entitled to be protected by a system of laws, grew impatient. They met in legislative assembly and proclaimed: "It is the duty of the Government of the United States to give us laws; and when that duty is not performed, one of the clearest rights we have left is to govern ourselves." Far removed from the source of legal authority, with a life the most strenuous confronting them, without an army adequate to protect them or to enforce even its own commands against them, with the problems of a new empire confronting them, they did not hesitate. The first provisional government meeting was held in the pueblo of San Jose, December 11th, 1848, and unanimously recommended that a general convention for the purpose of nominating a suitable candidate for governor and for such other business as might be deemed expedient, be held at the pueblo of San Jose on the second Monday in January following. At San Francisco, a similar provisional meeting was held and similar recommendations made, though the date of the proposed convention was fixed for the first Monday in March, 1848, and afterwards changed to the first Monday in August. The population of San Francisco was increasing so fast, however, that on February 12, 1849, the people of San Francisco in mass meeting assembled, established a temporary government for that district, under the name of the "Legislative Assembly of San Francisco," comprising fifteen members. General Bennet Riley arrived April 12th, 1849, on board the Iowa, and, relieving Colonel Mason, became the acting Governor of California. While the Legislative Assembly of San Francisco recognized his military authority, in which capacity he was not formidable, it did not recognize his civil power. General Riley, however, with that rare diplomacy which seems to have attached to all federal military people when acting on the Pacific Coast, realizing that any organized government that proceeded from an orderly concourse of the people of the State, was preferable to the exasperating condition in which the community was left to face its increasing problems under Congressional inaction, himself issued a proclamation for a

## ADMISSION DAY ADDRESS.

State Convention, which contained the following important provision: "In order to complete this organization with the least possible delay; the undersigned, in virtue of the power in him vested, does hereby appoint the first of August next as the day for holding a special election for the delegates to a general convention, and for the filling of the offices of judges of the Supreme Court, prefects and sub-prefects, and all vacancies in the office of first alcalde (or judge of first instance), alcalde, justices of the peace and town councils. The general convention for forming a State Constitution or plan for its territorial government will consist of thirty-seven delegates, who will meet at Monterey on the first of September next." While he condemned the actions of the Legislative Assembly of San Francisco as being illegal and without authority, he had the wisdom to recognize the fact that the people were inevitably bent on holding a State convention for the purpose of framing a constitution, and when he wisely issued his proclamation to the same end, the various assemblies, which had placed other conditions and fixed other dates and places for the holding of the same, gave way, and a general election was held under the provisions of Riley's proclamation. The delegates met in Monterey at Colton Hall, on the first of September and organized on the third of September, 1849. The convention was one of the keenest and most intelligent that ever assembled for the fulfillment of a legislative responsibility. Six of the delegates had resided in California less than six months, while only twenty-two, exclusive of the seven native Californians, had resided here for more than three years. The average age of all the delegates was 36 years. The debates of that convention should be familiar to every son of this State. No Californian should be unfamiliar with the great debate on what was to constitute the boundary of the State of California, a debate on which turned the question of the slave power of this country, and which in the end almost wrecked the convention. The constitution adopted by this convention was ratified November 13, 1849, and at the same election an entire State and legislative ticket, with two representatives to Congress, was chosen. The senators and assemblymen-elect met in San Jose on December 15, 1849. On December 20, 1849, the State Government of California was established and Governor Peter H. Burnett was inaugurated as the first Governor of the State of California, and soon thereafter William M. Gwin and John C. Fremont were elected the first United States Senators of the State of California. Notwithstanding the fact that there had never been any territorial form of government; notwithstanding the fact that California was not yet admitted into the Union, these men were all elected as members of the State Government, and the United States Senators and Members of Congress started for Washington to help get the State admitted. Immediately upon the inauguration of Governor Burnett, General Riley issued this remarkable

### "PROCLAMATION

"To the People of California.

"A new executive having been elected and installed into office, in accordance with the provisions of the Constitution of the State, the undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connection



## ADMISSION DAY ADDRESS.

with the people of this Country, he would tender to them his heartfelt thanks for their many kind attentions, and for the uniform support which they have given to the measures of his administration. The principal object of all his wishes is now accomplished—the people have a government of their own choice, and one which, under the favor of divine Providence, will secure their own prosperity and happiness, and the permanent welfare of the new State.

"Given at San Jose, California, this 20th day of December, A. D. 1849.

"Brevet Brig. Gen. U. S. A., and Governor of California.

"B. RILEY,

"By the Governor: W. H. Halleck,

"Brevet Captain and Secretary of State."

No matter what the legal objection to this course might be; notwithstanding the fact that Congress had passed no bill for the admission of California as a State into the Union, and might never pass one, California broke all precedents by *declaring itself a State*, and a free State at that, and sent its representatives to Washington to hurry up the passage of the bill which should admit it into the Union. The brilliant audacity of California's methods of admission into the Union, stands without parallel in the history of the Nation.

It is indefensible that in the face of incidents of our history such as these, sons and daughters of California should be ignorant of the lives and experiences of their fathers and of those who preceded them on this Coast. The history of these experiences is part of the history of the nation, and the record of the achievements of the empire-builders of this Coast is one that inspires civic pride and a reverence for their memories. Something should be done by their descendants that this story should not be unknown, simply because it is not known in the centers where our school histories are edited and printed. Why should every little unimportant detail of the petty incidents of the French and Indian wars, of Queen Anne's war, and King Philip's war, and Braddock's campaign, be crammed into the heads of children who have never heard the name of Portala? The beautiful story of Paul Revere's ride is known to every one, but how many know the story of the invincible determination in the building of Ugarte's ship? William Penn's honest treatment of the Indians is a household word to the people who never knew of the existence of Salvatierra. The hardships of the New England pilgrims in the winter on the rock-bound coast of Massachusetts are not more pitiful than the fate of the emigrants at Donner Lake. Longfellow's courtship of Miles Standish and Priscilla is found in every book of school declamations, and the tragic story of Rezanoff and Concepcion Arguello only in complete editions of Bret Harte. Why remember Marquette and Hennepin and De Smet and forget Junipero Serra? Why herald the ridiculous attempt of Rhode Island to keep out of the Union, and not acclaim the splendid effort of California to break into it?

The importance to any community of its local history being incorporated in the national story in its proper proportion and perspective cannot be overestimated. When in all the ten volumes of Thomas B. Reed's magnificent collection entitled "Modern Eloquence," we find but one speech that was delivered in California, and that while the senile

## ADMISSION DAY ADDRESS.

vaporings of Chauncey Depew are printed in detail, the flaming eloquence of E. D. Baker is absolutely ignored, and the only discourse reported of Thomas Starr King is one that he delivered in Boston, it is time for the descendants of the pioneers to ask themselves whether these things have all happened by accident, or whether the older commonwealths of this country have been moved by a pride in their history and in their traditions to take such measures for their preservation and for the promotion of their publication as to put us to shame. What have we of California done to collect, preserve and diffuse information relating to the history of our State? And what have other commonwealths done?

The California State Historical Society, first organized in 1852, and incorporated in 1870, was in active existence from 1886 to 1893, and published some valuable historical material, including Father Palou's *Noticias*, Doyle's *History of the Pious Fund*, Willey's *History of the College of California*, and some interesting papers by Martin Kellogg, George Davidson, Bernard Moses, William Carey Jones and T. H. Hittell. From that time it has had no active existence. There has not been a meeting of its board of directors since 1893, and since then most of them have died. It has no maps and no manuscripts, and its little library of 500 printed volumes is stored away in San Francisco, in the basement cellar of the gentleman who is still nominally its president. It never owned a building in which to do its work, was never endowed, and to all intents and purposes, has been dead for fifteen years.

When we look beyond the Rockies, however, we begin to appreciate the work that is being done by the State Historical Societies organized for the purpose of collecting, preserving and diffusing historical information concerning their respective States. The Massachusetts and Pennsylvania Societies are prototypes of the privately organized and endowed organizations of the Eastern States, which without official patronage have attained strength, dignity and a high degree of usefulness, while Wisconsin, Minnesota, Iowa and Kansas similarly stand for the State-supported institutions of the West. Twelve societies or departments own their own halls—those valued at \$100,000 or over being: Wisconsin, \$610,000; Iowa, \$400,000; Pennsylvania, \$300,000, and Massachusetts, \$225,000. Thirteen are housed in their respective State Capitols, seven are quartered in State Universities, and six in other public buildings. The largest State appropriations are given to Wisconsin, \$32,000; Minnesota, \$20,000, and Iowa, \$17,500. The Massachusetts, Pennsylvania and Wisconsin Societies are, of course, the wealthiest in endowments, possessing respectively, \$221,000, \$170,000 and \$53,000 in vested funds. The largest libraries are: Pennsylvania, 315,000 titles; Wisconsin, 280,000; Massachusetts, 155,000; Kansas, 119,600, and New Hampshire, 93,500.

Only a little less important, in degree, are a large number of historical societies which represent some town or section. For example: The Essex Institute of Salem, Massachusetts, with its income of \$15,000, library of 400,000 titles, and building valued at \$75,000; New York (city) Historical Society, with 1057 members, endowment fund aggregating \$236,000, yearly income of \$12,800, and a building costing \$400,000; the Chicago Historical Society, with a library of 100,000 titles, housed in a \$185,000 building, and supported by endowment funds

## ADMISSION DAY ADDRESS.

aggregating \$96,000; the Long Island Historical Society of Brooklyn, with 72,000 titles in its own building; the Western Reserve, of Cleveland, with 60,000 titles in a \$55,000 building; the Worcester (Massachusetts) Society of Antiquities, housing 90,000 titles within a building valued at \$50,000 and the Buffalo Historical Society, which has a library of 16,000 titles in a \$200,000 building, and receives a municipal grant of \$5000 and incidental expenses per annum. These are simply the most highly endowed. Every important town and city in the country is represented. In the State of Massachusetts alone, there are, besides its State Historical Society, thirty-six local historical societies, all of them alive and active and doing good work. The only local historical society that I know of in California is the Historical Society of Southern California in Los Angeles, with a membership (in 1905) of fifty, owning a library of 5000 books and pamphlets, and the Archæological Institution of the Southwest, also of Los Angeles, which, however, is not exclusively an historical society.

I submit to you, as patriotic Californians, whether this is a record in which we can take any pride. With the exception of the pitiful attempts of its loyal friends from time to time to revive the California Historical Society, absolutely no organization work whatever has been done by any public institution to promote either the publication of California history or the collection of material therefor. With a history such as ours, with its halo of romance, with its peculiarity of incident, with its epoch-making significance, is it not a burning shame that we have not long ago, either through private endowment or through public institutions, taken as much pride in the preservation of our history as our fathers did in the creation of it? Is it not time that societies like the Pioneers, the Native Sons of the Golden West and the Native Daughters of the Golden West, should combine and work together for the creation of a public sentiment which will support and uphold any institution that will strive to perpetuate the record of the history of this great commonwealth? When we see what has been accomplished by these orders in promoting a sentiment for the preservation of the landmarks of our State, and the placing of tablets to commemorate the location of great events, shall we not do all in our power to collect whatever material in the shape of maps or manuscripts or books, tells the story of our State's history, and place them where they shall be preserved and catalogued and published, and see to it that the publication of their contents shall be heralded abroad for the edification of others, as well as ourselves? In everything that we have undertaken, we have always succeeded—shall we fail in this duty simply because we do not care to try?

The time is ripe for this work. Though there has been no organized effort on the part of the State, or of any community in the State, to recognize the duty of collecting and preserving the priceless records of its historical growth, yet by an undeserved fortune, we have the nucleus of a library, which as far as the accuracy of the record of our history up to date is concerned, places us in a position of advantage even over the oldest States of this Country. The fire which swept San Francisco in its early stages did not reach the Bancroft library, at the corner of Merchant and Montgomery streets. The fire that burned the building on Market street, near Third, next door to the History building, missed the Bancroft library, and when it was moved

## ADMISSION DAY ADDRESS.

to the building especially constructed for it at Valencia and Mission streets, the conflagration of the 18th of April, 1906, did not reach it. In this State it remained for a private individual by his life work, to collect and preserve a library that to the State of California is almost priceless in value. "There is no other State or country," it has been said, "whose historic data have been so thoroughly collected at so early a period in its existence, especially none whose existence has been so varied and eventful, and its record so complicated and perishable. Mr. Bancroft has attempted, and successfully, it is believed, to give to his country a work which in the ordinary course of events would have been left for a succession of historical societies and specialists to do in a later generation, after the largest part of the material had been lost, and the accomplishment of the purpose would be absolutely impossible." This magnificent library the State of California has recently purchased and installed in the California Building, at the State University in Berkeley. Without any desert of our own, therefore, we are in a position to start with the greatest nucleus of historical data that any commonwealth ever had. There remains the great work of cataloguing and publishing, rendering available to the investigation of scholarship this mass of original data.

I care not what form the effort may take, whether through the endowment of private organization or of a public institution, or a combination of both. The point I desire to emphasize is that we should take, as an organization, a deep practical interest in this great work, whether in the form of the collection of material, or in the form of its publication, or in promoting public sentiment to sustain adequate public expenditures in that behalf, or in promoting such public sentiment as will compel the organization of city and town historical societies in the various communities throughout the State.

Surely, in an organization founded to perpetuate the memory of the pioneers, this work would be in a direct line with the reason of its being. What we have not realized is that as it took conscious effort to create this history, it will also take conscious effort to see that it is given its proper place in the history of the country at large. A fuller realization of our duty shall serve but to quicken our sense of loyalty. This pilgrimage of our order to the historic shrines we see about us shall renew our devotion to the perpetuation of the traditions of the State. Our eyes have seen the house where Larkin lived, and the rose garden where Sherman kissed and rode away; our hands have touched the spot where Junipero Serra planted his cross; our feet have pressed the aisles of Carmel Mission; our voices have awakened the sacred echoes of the walls of Colton Hall; our hearts have thrilled to see Old Glory waving above the old Custom House and to know that the flag that came down at Chapultepec remained here to float forever. These monuments ought not to stand in vain. Let us go hence with minds determined and hearts courageous to do our full share that the story told by them and others upon our broad domain shall be known to all men and sink into the hearts of a grateful people.



Brunt, 391 Jessie Street



2815 11



# ORATION

BY

HON. WM. SUMNER DODGE

DELIVERED AT

SITKA, ALASKA,

*SATURDAY, JULY 4th, 1868.*

---

“Liberty: Her Struggles, Perils and Triumphs.”

---

SAN FRANCISCO:

ALTA CALIFORNIA PRINTING HOUSE, 529 CALIFORNIA STREET.

1868.





# ORATION

BY

HON. WM. SUMNER DODGE

DELIVERED AT

SITKA, ALASKA,

SATURDAY, JULY 4th, 1868.



“Liberty: Her Struggles, Perils and Triumphs.”



SAN FRANCISCO:

ALTA CALIFORNIA PRINTING HOUSE, 529 CALIFORNIA STREET.

1868.





## CORRESPONDENCE.

---

SITKA, A. T., July 6th, 1868.

*Hon. William Sumner Dodge,*

SIR: In behalf of the citizens of Sitka, I would respectfully request a copy of the Oration delivered by you on the 4th of July last, with a view to its publication. An early reply will greatly oblige

Your very obedient servant,

J. H. KINKEAD,  
*Chairman Com. of Arrangements.*

---

SITKA, A. T., July 17th, 1868.

*J. H. Kinkead, Chairman Com. of Arrangements,*

DEAR SIR: I have the honor to acknowledge the receipt of your communication of July 6th, made in behalf of the citizens of Sitka, requesting "a copy of the Oration delivered by me on the 4th of July last, with a view to its publication."

I have the honor to state that if the citizens of Sitka think this Address, written in the hurry of business and manifold duties, is worthy of publication and will benefit the country by any detail of information, I cheerfully comply with the request, and herewith furnish the copy desired, thanking you and the citizens for their kind appreciation of the humble effort now submitted.

I am, sir, faithfully yours,

WM. SUMNER DODGE.



# THE CELEBRATION

OF THE

## Fourth of July, 1868, in Sitka.

---

The American citizens of Sitka, prompted as well by their own patriotic feelings as deeming it eminently proper that a suitable celebration of the Anniversary of our Country's Freedom, should show to the Russian subjects resident amongst us that distance from the land of their births cannot obliterate in American hearts the memories of that day, and desirous of signalizing the first 4th of July in Alaska, assembled in mass meeting, and chose a committee to make such arrangements as were in their power, whereby all nationalities here might participate in the commemoration of our national holiday.

The committee unanimously made choice of Hon. W. S. Dodge, the Collector of the Port and Mayor of the City of Sitka, as the Orator of the occasion; and W. H. Wood, Esq., was appointed Reader of the Declaration of Independence.

Every assistance possible was cheerfully rendered by Maj.-Gen. Jeff. C. Davis, commanding the Department of Alaska; and the citizens, with a rare unanimity,

joined heartily in the plans of the committee, so that, although brief time was allowed and scant means attainable, yet the festivities of the day were such as would not shame many an older, richer, and more accessible community.

The programme adopted and carried out was as follows: At 10 o'clock A. M. there was a canoe race in the harbor, open to all canoes, the distance to be run being about a mile. Due notice had been given to the Indians, and long before the appointed hour the water was alive with boats, whose occupants were either bedizined in their best blankets and paint or stripped for the race. The wharf and surroundings were crowded with spectators, who cheered lustily as the winning boat passed the stand and approached to receive the prizes of blankets and other Indian finery.

At 2 o'clock P. M. a procession was formed to proceed to the mouth of Indian River, where, in a beautiful grove, the Committee had prepared a stand for the Orator and other distinguished guests, as well as tables for the collation.

Escorted by music, first came Battery "H," 2d U. S. Artillery, commanded by Capt. S. H. Kinney; next Co. "F," 9th U. S. Infantry, commanded by Lieut. M. C. Foot; then the Fire Engine, elegantly decorated with flowers and flags, having in a bower a young Russian Miss, representing the Goddess of Liberty, who well sustained a part to her so novel. The engine was manned by soldiers from both companies, and was the most striking feature of the procession. Then followed the Major-General Commanding and Staff, the Orator and Reader, the Chaplain and City Government, and citizens generally, all under the supervision of Bt-Major



C. O. Wood, 9th Infantry, Marshal of the Day. Along the route of the procession many houses and stores were fancifully decorated, and flags waved from many a house-top—Russian as well as American—fraternization and good feeling being throughout the order of the day.

Arrived on the ground, the Reader and Orator having performed their duties, a few remarks were made by General Davis, and then commenced an onslaught upon the tables, stayed only by the rain, which unfortunately commenced falling shortly before the Orator had concluded. Notwithstanding this, the guns of the battery, at the conclusion of the speeches, fired the customary National salute, and every one returned home gratified at the proceedings of the day.

Ladies and children mingled in the festivities ; good order and good feeling prevailed to an eminent degree. The Russian appreciated for the time being, as well as the American, "the blessings of free institutions;" and the Indians, even, went away satisfied that the children of their Great Father in Washington were no niggards.

In the evening there was a display of fireworks; and so passed the first 4th of July ever celebrated in what, but a short time since, we knew only as Russian America.



# Oration

Delivered July 4th, 1868,

AT

SITKA, ALASKA.

---

MY FELLOW-CITIZENS :

Appointed by you to serve as Orator on this occasion, I accept the honor, and will endeavor to address you as becomes an American citizen speaking in commemoration of the great and glorious services rendered by our patriot sires in the cause of country, humanity and God. And while I do this, I cannot forget that there are others here whose names are linked with political life heretofore, and whose career, marked by a rare combination of ability and eloquence, might more fitly render this interesting service. But you have willed it otherwise. Well, it is an honor which any person may well covet on ordinary occasions and under ordinary circumstances. How much greater the honor to be the first to vindicate the cause of our fathers and the principles of Democratic Government on a soil which, until a few months ago, was under the jurisdiction of one of the mightiest Autocrats of the Old World—a man whose word was law, and a law from which there was no appeal except through revolution and the flowing of blood!

This day is sacred to liberty; this is our Fourth of July—a National Holiday! Other days have their significance and their peculiar consecration. Thanksgiving is dear to us, for then there is a general re-union of the family circle, around the old family hearth; Christmas is dear to us, as it touches the religious chords in our nature, and inspires us with renewed hope and faith in the severance of the soul from its tenement of clay, when summoned from earth, and its endless immortality in the world to come; New Year's is a day of hilarity and good-will, sportive pleasures and innocent joys, and while mayhap we shed a silent tear as the old year passes away, we freshen in our strength, and resolve manfully to run the next link in the chain of life; but of all the holidays in the American calendar, the Fourth of July is the "gladdest, merriest, maddest day in the year!"

To-day the nation sings a jubilant song, and its burden is liberty; to-day, from millions of house-tops, ship, masts and liberty poles, the "Star Spangled Banner," the emblem of our nationality, our faith, and our hope, floats to the breeze, filled with the air of freedom; to-day the pealing of bells, the rattle of musketry, the flash of cannon—"grim visaged dogs of war"—the firing of crackers and toy torpedoes, the joyous shout and wild acclaim, all proclaim freedom, all assert liberty as our birthright and heritage. Yes, fellow-citizens, to-day is peculiarly American. To-day we congratulate ourselves on being citizens of America; to-day we put on our Sunday clothes, look our best, bow to ourselves profoundly, and feel proud that we are such a mighty people; to-day, as some other orator has said, "the Great American Eagle screams his shrillest notes from his loftiest mountain aerie, and Young America flaps his wings and lustily crows his Yankee-doodle-doo."

Fellow-citizens, we are far away from those general scenes of jubilation—the waves of ocean roll between us and our *alma mater*; but let us none the less join in



the exultation—offer our reverence to the principles of the fathers, and contribute our strength towards maintaining in the political heavens that flaming constellation of liberty around which all others revolve, and gain glory only from its borrowed light.

Let the lesson of to-day, then, be “**LIBERTY: HER STRUGGLES, PERILS AND TRIUMPHS.**” I do not purpose tiring your patience by any dissertation, “long-winded and astute,” concerning the rise of liberty in the earlier ages of the world—how she appeared first like an altar fire in Greece, and then transplanted to Rome, linked herself to the banners of Cæsar’s conquering legions awakening new theories and new ideas in the “British Isles of the Sea.” No, this is history—a record of the long ago—recorded and accessible to the studious everywhere. It is only of liberty in America that we need contemplate. On this continent has been her great field of action—here have been witnessed her saddest reverses and her most glorious successes.

From the sad farewells of our Pilgrim Fathers at Deft Haven; from the embarkation upon the *Mayflower*, to cross the “Atlantic’s wintry and stormy surge;” from the landing at Plymouth Rock; from the foundation of Massachusetts Colony, to the 18th of October, 1867, when the American Flag was raised, of right, over the soil of Russian America, is a mighty contrast, covering whole spaces of history, and such a history! Unroll the great scroll of recorded time from its beginning, and where can be found a greater panoramic display of events, a grander procession of results—bold, startling or dreadful in their conception, more astonishing, tragical or fearful in their consummation—than the last two hundred and fifty years reveal! This struggle for liberty, we may say, began in England, and originated in a quarrel in the Church. The Church of England then, as now, was national; but not then, as now, were the people allowed to worship God “according to the dictates of their own consciences.” Every one was compelled to square their faith with the tenets

of the Established Church. There were many who conscientiously could not do this, and they resisted the magisterial authority which sought to compel them into obedience to certain prescribed rules of worship and Christian life. Some still remained in the Church, and sought to "right the wrong" within its pale; others boldly disavowed all connection with it, and openly denounced its arbitrary power. The laws of conformity they pronounced "pestiferous, cruel, unjust, and unchristian." At the outset religious toleration was the object to be attained. But this struggle being prolonged and constantly growing more bitter and rancorous, the Church and State united, constantly imposing new burdens upon the non-conformists, amounting to persecution, and the political troubles soon afterwards arising under James I, great masses of the people thus doubly oppressed, joined in a common cause for religious and political emancipation. What was the effect? No description in Macauley is more beautiful, statlier, or more intensely interesting than that which, in historic diction, pictures the progress of this popular organization which, first under the name of Brownists, then as Separatists, and finally as Independents, with Oliver Cromwell as Leader, and John Milton, the great Poet, as Secretary, revolutionized England and triumphed everywhere—in Parliament, in Church, and in State. From this revolution sprang the heritage of liberty in our land. How humble the seed! how glorious the result! How noble the lesson it teaches us! It is the voice of Faith, more potent than armies and navies, prefiguring final triumph to all the devotees of right.

"Naught shall prevail against us, or disturb  
Our cheerful faith, that all which we behold  
Is full of blessings."

Leave now the Pilgrim Fathers at Plymouth Rock. Bear in mind, however, the trials and sufferings they endured while upbuilding and pioneering a higher civilization and broader political views; while clearing almost

impenetrable forests, and founding cities and towns; while instilling the generous ideas of independent labor and intellectual emancipation. For one hundred and fifty years the struggle for life and liberty continued, marked with varied successes, more or less important and significant. Then came another change—so sudden, so startling, that the thrones of Europe tottered to their very foundations. That change was the American Revolution—a change not merely in the form of government, but in the principles of government. For the first time in the history of the world was then enunciated a practical philosophy of the principles of Democratic Government. The ideas of despotism, autocracy and monarchy, whether absolute or limited, were all discarded, and the great political axioms—the very forefront and basis of the Declaration of Independence which you have heard read here to-day—were declared to be the foundation principles of all true government. Said the Fathers in that sacred instrument: “We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

This, fellow-citizens, is popular government; this is democracy; this is the creed of the American people. The leaders of that revolution were great men—great in intellect, in philosophy and eloquence, and in common sense. They knew what they were doing when they declared allegiance with Great Britain absolved; and when the elder Adams wrote, and the fiery Otis and Henry spoke, they meant what they said. They were men given to reflection; most of them were profound scholars. They were familiar with history; familiar with the thoughts of the great minds of the past, and they realized that which England's statesmen had always failed to admit, that the life of a nation is not in the

national pocket, but in the conscience of the people. And the earnestness of their purpose is fully evinced when after the great Magna Charter of American liberty was signed in Independence Hall, Philadelphia, just ninety-three years ago, John Adams calmly, yet forcibly, said: "From this day we must hang together, or we will hang separately." We all know they did hang together, and though few in numbers, they felt that truth, justice, and God was on their side, and clothed in that triple armor, they felt invincible and sure of success. The American people rallied around them; "war, stern arbiter of dispute," came close upon the heels of the Declaration. The Governors of the Colonies, representatives of King George, were proud, aristocratic, arbitrary, and unjust, looking only to the greatness of the throne, and never casting a thought, other than of contempt, upon the people. Already, at Lexington and Bunker Hill, had the red-coated soldiery and the citizens come into conflict, and the issue was no longer doubtful. King George having forgot to put justice into his Colonial Governments, they were doomed to fall like the house which the Scripture saith was built upon the sand. The entire population of the Colonies was small—only three millions of people—and yet it resolved to wage war in defense of its rights against the mightiest power in all Europe. Our patriot fathers kissed their wives and children, seized their muskets, and rushed forth to battle, to long, weary marches, to sufferings almost indescribable, to death itself. After seven years of war, of varying fortune, on land and sea, they triumphed! They had fought for liberty, and liberty, through them, was now sovereign, now supreme.

"Freedom's battle once begun,  
Bequeathed from bleeding sire to son,  
Though baffled oft, is ever won."

The next step in the progress of liberty in our land was the formation of the Constitution of the United States. This instrument is the embodiment of the



practical philosophy of the fathers as expressed in the Declaration. Its cardinal principle is popular sovereignty, or the rule of the people. The thirteen original Colonies all joined in the support of this Constitution, framed by delegates elected for that purpose by the people themselves. By this system the Colonies became States, and all the country outlying was called eminent public domain, belonging to the General Government, for the future use and occupation of all the people of the Union. Each of these States had its own separate local government, for the regulation of its own internal concerns, subject only to such controlling power as the people had themselves imposed upon the local governments by vesting supreme authority in the National Constitution. Hence comes the beautiful, yet complex system of our Government. To-day we have thirty-six separate powerful Republics; each like the original thirteen, independent in its own sphere of action, and yet each and all blending and harmonizing into one greater, grander Republic, which embraces all and controls all

Eighty-one years have elapsed since this Government was framed. What progress has been made? From thirteen we have grown to thirty-six States! In the infant Territories, younger sisters of the now sister States, is a larger population than in all the Colonies when the revolutionary struggle was waged and won. From three millions we have grown to forty millions of people. From poverty, contempt, and disgrace, we have become wealthy, esteemed and honored by all the nations of the earth. Our commerce, our manufactures, our agriculture, our progress in science, in art, in literature is immense, astonishing the senses of the Europeans, dumbfounding the savants of the schools—at once a matter of pride and congratulation to ourselves. And all this is the natural outflowing from that generous principle of self-government, of liberty, regulated by self-imposed law.

And this principle is everywhere prevailing. We see its silent yet effective working in the Parliament of England. Ireland, oppressed for ages, feels the inspiring breath of freedom as it is wafted across the Atlantic from our shores, and spasmodically strikes for liberty. Napoleon of France trembles lest the hour of retribution is near, when he shall ignobly perish for usurping the powers of the people, and, divesting himself of the simple robes of the citizen President, donning the royal purple of the Emperor. Classic, moribund Italy is constantly gaining life and hope, and the day is not far distant when she, too, will throw off completely the tyranny of Church and State, which so long has oppressed her, and take her place among the independent nations. Mazzini, Garibaldi, and a few other flaming apostles of liberty are there, and the heaven is at work. Russia has felt the ennobling power, and the present Emperor, by an edict which shall forever enshrine his memory among the great and good of earth, has forever emancipated from the thrall of serfdom millions of his subjects. Everywhere history justifies the assertion that free government is the true government for all races of men, and that the revolution which began in America with asserting the rights of man to self-government, will never cease until the wrongs of men are redressed.

"Mankind are by nature free and equal ;  
'Tis their consent alone gives just dominion."

But while freedom and self-government have prospered so well in America and have done so much for the world, it must not be forgotten that recently this system received a mighty shock, and for some time wise and grave men doubted if it would survive the struggle. I refer to the Great Rebellion of 1860-61. It is not necessary for me here to dilate upon the causes of that contest; they are stamped indelibly upon the hearts of our people and upon the page of history. Its origin, briefly stated, was the system of slavery

which had been fastened upon us by the mother country anterior to the American Revolution. Its chief cause was the antagonistic idea which that system generated, that slavery under the Constitution was co-extensive in its rights, privileges and purposes, and that if interest dictated, slavery, not freedom, should become the paramount idea—the underlying principle of the Republic. It was an attempt on the one side to pervert the Constitution in its most unequivocal, unambiguous parts, discarding the Declaration of Independence as “sound, not sense,” as a “glittering generality” and a revolutionary manifesto—an attempt to assume that capital, not labor, property, not liberty, is the great interest of the people, and that the rich, of right, are entitled to own body and soul their poorer neighbors, no matter what the color, intellectual standing or condition in life—an attempt to nationalize slavery and sectionalize freedom; an attempt to destroy free government and restore the old rule of monarchy or despotism. Many of freedom’s defenders, on the other hand, without any just regard to the wishes of the masses, without any thought of what sound policy might dictate, or what the Constitution did guarantee concerning the system of slavery, resolved to carry the war into Africa. They, in their turn, asserted ideas just as impracticable, just as erroneous, just as outrageous to every sense of justice, propriety and right, as the advocates of slavery. Thus the contest commenced; not more than one-third of the people in the entire land interested themselves in the conflict. The other two-thirds quietly looked on, mere spectators. There was the fatal mistake; while they were considering the conflict as mere declamation, as buncombe, as child’s play, angry passions were stirred, devilish purposes were formed, and all at once the thunder of revolution pealed in long and continuous rolls from the clear political sky; the heavens were suddenly covered, like a pall, with the dark and threatening clouds of secession, and the red

hand of blood appeared in the midst of all, carrying consternation and terror all over the land.

The tocsin of war was sounded; great armies were marshaled on either side, and the terrible conflict began. The question at issue was Union and Liberty, or Disunion and Slavery. Four years passed away. Now victory perched on Union, anon on Rebel banner. Hundreds of thousands were slain; every household in the land was more or less stricken with grief, and millions of money expended, and billions more of debt contracted. And all for what? The annihilation of wrong, the destruction of evil tendencies, and with it the great wrong of slavery—the cause of all, the maintenance of the Union, and the perpetuity of the Constitution. And all this sad experience, because the sage counsel of Washington, the Father of our Country, concerning geographical lines and sectional parties, was discarded.

Fellow-citizens, the Union still stands; the Government still continues; the struggle in the field has ended, thank God! but the question of Reconstruction now agitates the nation from circumference to center. It belongs now to the peaceful agency of the ballot-box to consummate the rest. God grant it may be done! It cannot be expected that a Government purely popular shall always work harmoniously and smoothly, unruffled by exhibitions of human passions. This is human nature, and it will be displayed; to think otherwise would be to disregard the divine appointment.

Now that the Union has stood the shock of this great civil, internecine war; now that it is gradually settling the great question of Reconstruction; now that radicalisms and ultraisms are rapidly finding their proper level; now that the people, educated by sad experience, are comprehending the true path of National duty, and are striving to follow in it; now that calm reason resumes her sway—it is clear that all is safe, that the national unity will remain for years undisturbed, and that hereafter, more than ever before, we shall become the central figure in all governmental



organizations, and that if we continue to have faith in freedom, in the cardinal principles of our Declaration, and in the just controlling powers of our National Constitution, we shall endure for centuries yet, and our political system become as fixed, as immutable, as eternal as the sun in yonder heavens.

The Federal Government, by a treaty with Russia, now has possession of this vast country, extending from the British domain on the east, to Behring Straits on the west, and from the Pacific on the south, to the Polar Ocean on the north. With the soil are transferred all the resources of the country, and all the Russian people who see proper to remain, at once, by operation of that treaty, become entitled to all the rights and privileges as well as subject to all the duties of natural born American citizens. Many among those now before me have changed their allegiance and filed their declarations with the proper military authorities; many more at other points along the coast will do so when opportunity offers. You all remember the ceremonies of transfer on the 18th of October, 1867. They were brief and diplomatic, yet interesting and impressive. Then Americans and Russians were placed side by side, in daily contact; opportunity was offered for each to observe the manners, habits, and customs of the other. The American soldiery commingled with the Russian soldiery; American citizens mixed with Russian citizens; and citizens and soldiers associated together. This union proved pleasant, and has been productive of good. Never did a foreign people extend a heartier welcome to Americans than was universally witnessed here; and I trust, indeed I feel assured, that this kindly feeling has been and is continually being reciprocated. We met as friends; we shall continue friends. We each differ in our habits and ways in many respects; we each can learn from the other. Constant contact has rubbed away the sharp edges of dissimilarity, and fraternal feeling is ever increasing. Fortunately for

the American citizens, for the Russian citizens and residents, and for the government, the distinguished General, Jefferson C. Davis, whom I have the honor to see before me, and whom during the war I met frequently on the field of patriotic duty, was appointed to take charge of this now infant Territory of the United States. He has watched our welfare with fatherly care, and has ever been ready to lend a helping hand in all our needs. Although a soldier, accustomed to exercise discipline over men, he has not forgotten that he is a *man*; although a soldier, he remembers that he has been a citizen, and that citizens have rights which all are bound to respect; although a soldier, he knows and feels that it is no less honorable to be a good citizen, and that to be an American citizen is greater than to be a king. Thus endowed with that happy faculty of appreciating what is the soldier's and what is the citizen's due; and with that other happier and better faculty—plain common sense, he sees the line of demarcation between the civil and military power, and neither desires to arrogate to himself the functions of the former, nor does he prove lax in the exercise of the powers of the latter.

Upon assuming command, it was found that there was a considerable body of citizens already here, many Americans—the ready pioneers of new enterprises and industries; some foreigners from British Columbia, and many more Russian subjects and residents, constituting in all a population of some twenty-five hundred souls. Like all towns with which the Yankee element becomes engrafted, affairs speedily assumed a business shape. Stores were erected, markets were opened, private depots for the fur trade were established, saw mills were put in motion, and the commerce of the place at once became considerable. These things all showed the necessity of some organization among the people, that the just and equitable rights of all might be secured. The military stood ready to protect all to the extent of its power. But there were other mat-

ters constantly arising which it seemed difficult to solve, and which were beyond and outside of the strict military administration. Thus embarrassed, and feeling that these needs would increase continually, the citizens, as by intuition, met together, and at a series of primary meetings resolved to organize a local municipal government, to secure and forward their interests so far as such a government, necessarily limited in its powers, could do. Unwilling to take these steps without first informing the Commanding General of their intention and ascertaining his views in the matter, a committee was appointed, who addressed him a letter on the subject, to which he promptly and generously responded that "if the citizens of Sitka think that the time has come for such an organization, and their necessities require them to exercise their privileges as American citizens, and they are willing to assume the responsibility and incur the expense of a city government, the undersigned has no desire to interpose any objection, and will give the citizens every assistance in his power compatible with his military duties here."

Grateful for this hearty co-operation in their plan for a local government, another meeting was held and a committee of three was appointed to frame a municipal charter. It does not become me to eulogize that instrument, but I will say, that two at least of the members (Gen. N. J. T. Dana and Dr. A. H. Hoff), are men of large experience, sound learning and well fitted for the part they performed. And I will say further, that this organic act was drawn under great disadvantages. The committee had not the privilege of examining a single city charter elsewhere—not even the means to refer to a single state constitution or territorial enactment—and yet their labor produced a charter under which we have lived contentedly, and the administration of affairs under it goes smoothly and well. It defines what shall be the city limits and its name; it establishes executive, legislative, and judicial powers; provides for revenue from taxation, im-

provements and the maintenance of the poor ; it vests the judicial power in a court which has cognizance of all cases, civil and criminal, save in suits when the title to public land is involved. It offers ample protection to all interests, and every encouragement to honest industry and enterprise ; and more than all, and above all, it provides for the establishment of a Free Public School—America's boast and blessing—and from its very nature instills into the minds and hearts of our people the foundation principles of free institutions and American civilization. And this is enough : it is a proud beginning, and none of us hereafter need feel ashamed for our anxiety at this time to plant on this soil with the raising of the American flag, the concomitants which constitute its greatness.

And yet, fellow-citizens, there are those among us, a few however, God be praised!—some claiming to be citizens, and some wearing the livery of honorable officers in the army and navy, who affect to despise this local government ; who are always talking to others sneeringly of it, who boast what they will or will not do, and who seem to ache to bring about some conflict by which they can test its strength. With an ignorance which is woeful, with a purpose which is devilish, with an effrontery which would shame Satan himself, they proclaim that the people of Sitka have no right to form this government ; that their acts are illegal, without warrant in the national constitution or in common law, and that the day is not far distant when its usurpations of power will be crushed and its pretended authority overturned. Profound thinkers ! astute jurists ! learned men ! The nations—the states—to which you belong, lost the finest jewels from their caskets of fame, when you left their borders to waste your mighty powers away in this northern country, amongst a few pitiable Americans, Russians and Indians.

Go back ! for I feel sure that you have mistaken your calling, and your own dear people will welcome



you as their leaders—their Moses—in teaching them the philosophy of your new theories of government.

My fellow-citizens, I am happy to say that these grumblers—these contemners of our efforts at the maintenance of a local government—are mostly of foreign extraction, and if they did not “leave their country for their country’s good,” at least they are now deriving their livelihood by the aid of those whose acts they affect to despise. To those among you who are Americans, I will say that you are unfit to have the title; for you, by your actions, ignore the Declaration of Independence, discard the teachings of the fathers, and trample under foot the Constitution. You ignore the plainest principles of the law of nature, the facts of history, and the declared practice of Americans all over our land, and particularly on the Pacific coast. Who does not know that hundreds of town organizations existed in California and Oregon independent of any territorial or congressional enactment previous to their admission as states? Did Congress declare the organizations illegal? Did it reprimand the people for presuming to govern themselves? No; on the contrary, it legalized all their acts, save such as had interfered in the disposition of the public domain. Knowing this to be contrary to the National Constitution and the statute law, we have not meddled with the lands, any further than to declare that the man who shall bona fide occupy a town lot, shall be protected in his rights, until such time as the proper authorities shall settle titles.

And our acts, like those of other communities, will be sanctioned. No sooner had we organized the municipal government than the City Council, in an ably written address, petitioning Congress for the organization of a Territorial Government, enclosed to that honorable body a copy of the city charter, together with the signatures of the citizens who had signed it, and who, in so doing, pledged themselves to maintain

and obey it. If we had been guilty of gross usurpations of power, if our acts were illegal, would we not have been notified of it long ago? Would not the General commanding the Department have been instructed to break up our organization? The whole argument of these men is farcical, a bug-a-boo, and is only fit to rank with Tom Brown's exploded theories that toads have stones in their heads and ostriches digest iron. With these remarks I dismiss the subject.

Fellow-citizens: the great need of this country is the organization of a civil government; not because we are illy used under military rule, but because such a government is needed to induce emigration, to develop the resources of the country, and to give it character at home. Americans love civil rule, and they will have it. The true interests of the people require it; capital is needed, labor is needed; each is the handmaid of the other. With a Territorial Government, both of these requisites will be attained in a greater or less degree. If some members of Congress had not been so foolish as to injure their own reputations by their nonsensical talk and their disgraceful attempt to openly violate the plighted faith of the nation with Russia—the warmest and most steadfast friend of our country among all the powers of the Old World—in the payment for this territory, purchased more than a year ago, but, like high-minded men, had promptly voted the appropriation and passed a Territorial Organic Act for Alaska, a different state of things would be ours to-day. These enemies to the purchase of this territory are constantly publishing in the papers the most outlandish reports in regard to this country and its people. Now, we hear that Sitka is surrounded with icy mountains, and that it is so cold that we are absolutely freezing for want of sufficient clothing. Anon, we learn that the Bay of Sitka is frozen over away out to the headlands of the ocean, and that vessels cannot enter to relieve the starving garrison. Again, we hear that it rains every day in the

year, and the sun never shines. Soon afterwards, that the country will not produce anything, and that subsistence is impossible. All here can testify to the falsity of these reports. It has been the common remark of all Americans, excepts its enemies—a few gangrened naval officers—that last winter was as mild and pleasant a season as they ever saw. The lowest the thermometer ever ranged was at nine degrees below zero, and that only three times during the whole winter. Very few among us wore over-coats. As to the freezing of the harbor, the statement just made proves its untruth. The gardens now under cultivation around us in the care of our own people, show that nearly every kind of vegetable will grow, and of fine flavor and quality. Next season the garden culture will be much more extensive; and the experiment will be tried as to wheat, corn, and other cereals.

The wealth, however, of this territory is in its immense fisheries; probably no country in the world is its equal. From the whale, which we often see blowing even in yonder bay, to the salmon and herring, which blacken the very waters of our harbor, there is every variety, and inexhaustible quantities. Already a few fisheries have been established along the coast. The establishment of the Russian Commercial Company, organized this Spring at Ozersky, fifteen miles from Sitka, is doing finely, and the fishermen employed, Gloucester or Marblehead men, feel confident that the "catch" this season will be at least four thousand barrels of salmon. Baronovitz, at Cassan, expects with his limited means to put up one thousand barrels. And every one present, familiar with the coast in this vicinity, knows now that an hundred other establishments could do as well, and properly equipped, vastly better. The cod and the halibut, too, are of superior quality, and offer a rich harvest to the fisherman who engages in the work. Other sources of wealth have been discovered. Mining parties this summer have found gold on the Takou and the Stickine, and the most favorable results

are expected from Walden's party, who pushed up the latter river early this spring, and who will return early in September. Several coal fields have been discovered, and the coal is pronounced equal, if not superior, to that at Navaimo, British Columbia. The specimen brought from Cake, or Kake, by Captain White, of the Revenue Cutter *Wayanda*—a large lump, weighing some twenty-five pounds, and beautiful in its appearance—has already been forwarded to the Secretary of the Treasury, with his report of its situation and its practicability of working. The mines at Ouchnaho are proved a success, and are now being worked by Captain Mitchell, of the navy, for the government use, at the rate of ten to twenty tons per day.

The seal fishery is another great field of enterprise, and in this there is already a lively competition. From this port alone, during the months of April and May, thirteen vessels cleared for St. Paul's and Ounoulaska. One large company—Hutchinson, Kohl & Co.—with headquarters here, have bought out all the interest which the Russian American Company formerly owned, and now have three steamers, besides several sailing vessels, engaged in this pursuit. Three or four other companies, with ample capital, are also zealously at work. And to this subject the speedy attention of Congress should be directed. The seal is a valuable animal, and if proper regulations are established by Congress and enforced, this branch of fishery will alone in a few years repay the government for the money expended in the purchase of the territory. If Congress does not act, competition will, in the indiscriminate slaughter of this animal, drive them from our shores, and this source of gain will be lost forever.

Concerning the protection of the seal fisheries at Saint Paul's, Saint George's, and the other islands of Behring's Sea, I am satisfied, from all I can learn in this regard from the Russian Managers, that the General Government will be compelled to adopt and enforce, for a time at least, the most stringent regulations.



Three plans for the attainment of this end seem to present themselves:

*First*—The granting of a royalty to some well established and responsible company—with exclusive privileges for a certain term of years, upon the payment of a certain specific sum—say fifty cents for each seal killed—under well-defined conditions and restrictions, specifying the manner and the maximum of the killing.

There is no doubt in my mind, that the granting of a franchise or royalty would best secure the permanent protection of this species of animal ; but it is objectionable to many, because the granting of exclusive privileges is contrary to the general policy of our government, and tends to aid in the establishment of a mighty monopoly.

*Second*—General competition among all classes of traders and fishermen in this direction, under such regulations as Congress or the proper department may impose. This, however, would compel the establishment of military posts on all the sealing islands, as well as the maintenance of a man-o'-war to cruise in those waters. Hence the expense would be great and much of it needless.

*Third*—The confinement of the entire seal killing to the natives of the islands, permitting the traders to operate outside, either hiring the natives under contract or purchasing from them. This is the simplest and most efficacious mode of protection. I have conversed with the Russian authorities fully on this matter, and they all express their opinion in favor of this latter plan.

The islanders, taught by the long experience of the Russian Company, cannot be persuaded to kill these animals except in the old way. Hence their continued preservation. Restrict this business, then, to them; forbid mercenary adventurers, (who would ruthlessly wage an indiscriminate slaughter, even at the expense of a complete annihilation of these valuable animals, for the sake of reaping a sudden fortune for them-

selves), from any participation in it, and the whole question of protection is solved.

And to secure the enforcement of this law will demand no great outlay. The government will always require during the sealing and trading seasons the services of a revenue cutter in these waters. An officer can be detailed on this special duty, and with frequent communication with the cutter, his authority will be as potent as that of a man-o'-war or a company of soldiers. Besides, these simple-minded people will be freed from the contaminating influences, which seem to be unavoidable concomitants of the presence of either force. Thus much for the sealing interests of the territory.

Upon the assumption of Federal authority in this territory came the establishment of customs regulations, and this place was declared a port of entry. Immediately upon the raising of the Stars and Stripes, was unfurled the Revenue Flag, declaring commerce open to all the world, subject to national laws. The first thing was to change the nationality of all the vessels belonging to the country, thereby adding to the American merchant service. This is being done as fast as opportunity offers, and to-day the Port of Sitka alone presents a creditable amount of shipping. There are belonging to us four steamers, one ship, two barks, three brigs, and four schooners, making two thousand two hundred and twenty tons, aggregate measurement. And notwithstanding all the disadvantages under which we labor, the commerce of this port has been considerable. From the Collector's office, I have gathered the following official statement; it covers six months, from January 1st to July 1st, 1868.

During that period the amount of imports admitted and paying duty were valued at \$26,661 52; the export trade reached the sum of \$277,954 67. Nor has the coastwise trade been at all insignificant. During the same time there was entered at this port stores and trading goods valued at \$91,413 97. There was also

cleared for domestic ports below and along the coast of Alaska, merchandise to the amount of \$59,781 81. Nor do these statements include any stores entered for the use of the army and navy, either here or at other points along the coast. The local trade is also of importance. From estimates furnished by the merchants, the trade with the whites, Americans, and Russians, will average \$70,000 the present year. The trade with the Indians—the Sitkas, encamped near us—will fully equal if it does not exceed \$50,000.

Surely for a town which has only been under American rule for eight months, and without the advantage as yet of any development of the natural resources of the country, we need not be ashamed of our position as a commercial port. How much greater our importance, how much greater the benefit to our commerce, country, and ourselves, when the National Government shall form for us a civil code, which freely, generously, and bountifully administered, will tend to promote the settlement of this vast public domain, and to build upon it towns, cities, and States—nurseries of future greatness and power. There is the certain wealth of the New England States in the fisheries and forests of this territory, and untold riches in minerals beneath its surface. Once establish regular communication with the States, once induce capital to lend its aid in assisting labor, and the day is near at hand when this territory will prove as valuable as British Columbia, and a strong pillar in the support of the mighty arch of the Union itself. With Addison's Cato, we may say:

“'Tis not in mortals to command success;  
But we'll do more, Sempronius, we'll deserve it.”

Fellow-citizens: there are many other topics which I might touch upon, but I forbear; they all suggest themselves to thinking, candid men. Charles Sumner, in his speech on “The Cession of Russian America,” not only made a valuable contribution to literature, but he gave to the world, and to the American people especially,

information concerning the illimitable resources, climatology, and population of this country, which we, from our observation and information from other sources, fully justify and maintain. It is literally true; none of it is overdrawn. And although a portion of the people now ridicule the treaty negotiated by Secretary Seward, whereby we have gained possession of this far distant land, the years are not many when the country will bless him for this very act, and pronounce him the ablest and most far-sighted statesman of the age in thus pacifically attaining so important a step towards the final and exclusive dominion of the entire North American Continent.

One word more and I am done. I have, in my humble way, briefly reviewed the great landmarks in the history of liberty on this continent; I have touched upon its struggles, its perils, and its triumphs. Who would not be a citizen of America? Our government, founded on just and equal laws; founded on the principles of human nature; on the golden rules of religion, seems specially favored of God, and its power and extension of empire is now almost fabulous. To-day the flag we love so well waves in triumph over a stretch of country almost uninterrupted from the Atlantic to the Pacific. Now we are on the dividing line between the eastern and western hemispheres—between America and Asia. The bounds of a newer and a higher cultivation are extended; commerce has new fields in which to operate; the honest and hardy miners here have a broad expanse of territory to explore and develop; the General Government obtains a new acquisition of people to serve as its defenders; and all these in turn are kindly protected in their rights by the American Flag and the *Ægis* of the National Constitution. Hereafter when our country shall need our aid, either to crush rebellion or repel invasion, Russians and Americans will be found joining heart and hand in defense of the national power, even as Cassius and Brutus, on the field of Phillippi, together upheld the liberties of Rome.













# Republican Speech

.. Of ..

## Hon. Morris M. Estee

.. Delivered at ..

### Odd Fellows Hall, San Francisco

September 24th, 1898

---

MY FELLOW CITIZENS :

I am constrained to speak to you to-night more as a citizen than as a partisan. I am a Republican, and believe in the principles of that great party. But new and unsettled questions are now for the first time brought to the attention of the people.

Whatever differences may exist among Americans on principle, there are now no sectional lines dividing our country. Fitzhugh Lee and Joe Wheeler, Shafter and Miles, and the Blue and the Gray, in command or in the ranks, fight under the same flag, wear the same uniform, and form the same American army in the same war. A common destiny now awaits us all. We are all Americans—descended from the same illustrious ancestry, proud of the same heritage, entitled to the same past renown and present glory.

We have recently been making history so fast that it may be wise to look backward and see whither we have been

and where we are to go. History repeats itself. What has been may again be. Events come trooping after each other in such rapid succession that we can hardly note the approach of one before others take its place.

The Republican Party is the party of progress. It was formed to defend the integrity of the Nation, to free the slaves, and for the protection of American industries. Its principles have been adopted by, and engrafted upon the political policy of the Republic—its party achievements fill the most splendid pages of American history. For a full third of a century the Republican Party has marked out and maintained the political course in which the great ship of State has sailed—it has also stood as the defender of civil and religious liberty, and of law and order.

On these lines it consecrated the early years of its existence; since then it has been fighting to perpetuate these principles. It to-day and at all times has been the great tribune of the American people—it boldly met every new issue confronting this Nation. From the beginning it has proclaimed the equal rights of man; it has been the defender of the poor and the homeless; it has secured to the American worker new and more ample rewards; it has protected American industry and American enterprise from the unfair competition of foreign labor; it has stood at the gates of commerce and defended American trade. Its protective policy has enlarged the opportunities of all toilers to increase the value, amount and variety of the results of such toil.

It is through the influence of the Republican Party, and by reason of the encouragement which our laws afford, that America has become the home of the successful artificers of the world.

It was through the Republican Party that the flag of our country has been re-baptized and re-dedicated to the cause of humanity, and it now typifies more than ever before, the greatness and glory of the Republic. It to-day stands as a symbol of liberty in the western world. Thus this Republic has advanced to the front among the nations of the earth.

Its progress is chiefly noted by our increase in population and in wealth, the intelligence of our people, and the achievements of our army and navy. These have all been a revelation to the people of Europe and an inspiration to America. Among civilians, Lincoln stood at the head. All in all, he was the greatest man this country has produced since Washington. His marvelous leadership was shown by his confidence in the people. He knew he could trust the people's average judgment. It was he who said, "You can fool all the people some of the time and some of the people all the time, but you cannot fool all the people all the time." He never tried to fool the people at any time. Moral courage was his most conspicuous virtue; he was not afraid to do right whatever might be the consequences. There was nothing sensational in his character; he could look danger in the face without fear or emotion; he was a patriot—

"He loved his country because it was his own,  
Nor cared to give aught other reason why."

His death left a nation in tears and the whole world in sorrow. The Republican Party, formed through his commanding influence, must continue in the lines he marked out. It must continue as the great "People's party" of this nation. It cannot live alone by its traditions. We live in the present; behind us is the imperishable record of millions of free men who represented the intelligence, industry and patriotism of this great nation; ahead of us are the hopes of America's unborn millions. The past is safe, the future alone is uncertain.

---

The present political campaign in California has a national significance, not so much because we are to elect national officers as from the gravity of the questions involved in this contest. The war with Spain has emphasized and nationalized the present State election. Public opinion is being formed to meet new conditions. One of these new questions is, "*Shall we acquire territory lying beyond the limits of the*

*continent?"* The United States has recently made a new departure in this direction. For the first time in the history of our country we have acquired territory beyond the continent.

In the past, both by practice and tradition, we have been an isolated people. Our form of Government differed so much from that of other nations that we stood alone among the great peoples of the world. Now we are known only as the great American nation, and while we speak the English tongue and belong to the Anglo-Saxon race, we have been and are in the broadest sense American. Our national prejudices and our civilization is American.

Since the Declaration of Independence it has been the settled policy of American statesmen to oppose the acquisition of territory beyond the limits of this continent. Now we want resting places in the great oceans distant from us.

Many reasons were urged against the acquisition of territory in the early days of the Republic which do not exist now. We did not then need more territory, nor did we require harbors for defense, coaling or for refuge. We had little or no foreign commerce, we had more land than people. The American nation had just been created, and its perpetuity was yet a problem.

We had just ended one war and were not seeking another, and so as a matter of self-preservation, a policy of non-intercourse and of isolation was adopted by us. But a century of time has made great changes in our conditions. America is now a great nation, and it must move on with the other great nations or go to the rear. This is a commercial age, and we must be one of the first or we will be one of the last in the march to empire. We must have a navy great enough to meet our new conditions, and coaling stations in every sea,—this is a necessity. Steam has taken the place of sail, and coal is now, in war as in commerce, a necessity, and so America must prepare for the future and guard every highway of American commerce, or we will have no commerce to guard. It is a fact, that not one sailing war vessel is now in the course of construction either



in America or England. There is not one war vessel afloat which could steam from here to Manila and back without coaling.

Hitherto we have been slow to assert our rights. We did not interfere with Spanish misrule in the West Indies until that misrule violated every principle of humanity, nor even then, until American lives were taken and American property destroyed, and our honor assailed by the blowing up of the *Maine*. We found from experience that neither life nor property was safe in Cuba. The war with Spain had thus become inevitable, and that war has resulted in our taking Spanish territory, some of which we must keep, all of which we may keep. Call it conquest or what you may, we will retain what we need.

If we give any territory back, Spain will be in a position where she can punish her revolting colonies, and thus render our war for humanity a failure and turn our victory into defeat.

But if we retain the Philippine Islands, we have to assume the responsibilities of wisely governing the people who live there. They are a strange people, not of our own race, and they have no experience in governing themselves,—all are Asiatics. I am therefore opposed to our retaining of the Philippian group more than the Island of Luzon. This will furnish a coaling station for American shipping. This is all we need, and all we have conquered. We do not want any remote American States whose population is not of our race.

It is more than doubtful statesmanship to attempt to Americanize a vast number of people who have no sentiment of patriotism in common with our people.

Race distinctions cannot be remedied by legislation or by any political action of our home government. International complications might, and doubtless would, arise by reason of our attempted control of all of the Philippine Islands. I say all, because there are about two hundred of them which are inhabited, and it would require American

soldiers on every one of them to maintain government or secure peace.

Speaking of the Philippine Islands, Resident Archbishop Dosal recently said:

"I earnestly hope the islands will not remain Spanish, because the rebels are now so strong that such a course would inevitably cause appalling bloodshed. The reconquest of the natives is impossible until after years of the most cruel warfare."

Does America want years of war?

The art of governing is common to Americans, and it goes without saying, that an American who can govern himself is capable of governing others. If this were a question of government only, we could successfully meet the new conditions thus presented. But the graver problem of amalgamating so many people of another race with our American family now confronts us. Speaking for myself, I am opposed to this.

I know we cannot be a hermit nation longer; that "In this age whatever stands still recedes, whatever ceases to grow dies;" and that all other great nations are grasping for territory, and so it seems to be the present American sentiment, and some think a wise one, too, that we should, by taking the Philippine Islands and the people inhabiting them, get all we can, but I would not imperil American liberty at home by increasing our population abroad.

The permanency of this Republic may depend upon the position assumed by our Government in relation to the Philippine Islands.

It may be quite as dangerous for us to ask too much from Spain as it would be to accept too little. This war has gratified our ambition and excited our pride, and it has advanced us to a new and more commanding position among the family of nations. Let us not risk that position by demanding what we cannot afford to keep. We are great now both as a war and as a financial power. We just floated a two hundred million dollar loan among our own people, and no one person was permitted to take more than

five thousand dollars worth of the bonds, and even then we had more than a billion of dollars subscribed. These bonds are now selling at a premium.

In the near future the islands of the great oceans will be our country's outposts. In war they will form the skirmish line of our army and navy; in peace they will be the sentinels guarding our commerce and protecting our flag.

Our cities are overflowing with a great population, which must have employment or public support, and the best way to support them is to secure to them remunerative employment at home and let them support themselves. Our wealth has accumulated faster than our opportunities for good investments; our population is now quite 75,000,000 people. We should make no large additions to our population except they are intelligent people and of our own race. A vast population is always a danger to a free nation, so much so, that for years many thoughtful Americans have favored a larger restraint upon European immigration.

With these conditions confronting us at home, what will be the effect if we increase our population by adding millions of a foreign and unassimilated race to our American population? We cannot maintain the protective policy of our party by adding a vast number of cheap Asiatic laborers to our American family.

This is a most serious matter, and so serious, that this will be a test of the strength of this nation and the wisdom of our rulers. McKinley is a great and pure man; he thinks wisely and acts with caution. Trust the Ship of State to him and all will be well. Give him the unstinted support of a great and free people—this is due him—and he will not be unfaithful to the confidence reposed in him. He was not hurried into war, nor is he unduly influenced by the results of that war.

It was once said, that, "To gain empire was easy and common, but to govern it well was difficult and rare indeed." We are now about to try the experiment of "gaining new empire." We are entering upon the uncertain and dangerous task of "governing it well."

Fellow citizens, we cannot lower the standard of American citizenship and long maintain Republican institutions in America. It may be, and possibly is, our mission to control America, but we cannot go over to Asia and control those peoples. War has its successes and its defeats—let us not turn victory into defeat. A great victory may be more dangerous than a great defeat.

It is not the peril of war, nor indeed the unrest caused by political factions, that now endangers our country, but rather the folly to which unrestrained ambition may lead American diplomacy in its foreign policy.

#### THE BUSINESS SUCCESS OF THE NATION UNDER REPUBLICAN PARTY RULE.

In the United States business success or failure depends largely upon the business conditions which flow from party victories. Two years ago, Mr. McKinley was elected President and a Republican Congress was elected at the same time. A new tariff law was passed, and although a war with Spain has since followed, and thousands of men were called into the Army and Navy and ceased to be producers, and the expense of the Government was greatly increased, yet our exports were never as much as this year. In a word, the people of this nation never before sent abroad for sale such a large amount of surplus products. This is the crucial test of a nation's prosperity, just as much as it is a test of business success when a farmer sends away from his farm for sale double what he buys or brings onto the farm for use.

I am quite aware our Democratic friends may say, that our great business success arises from conditions they inaugurated. If this be so, how is it that during the eight years Mr. Cleveland was President we labored under business depression, while during the greater part of the intervening four years of President Harrison's administration, and after the passage of the Republican Tariff Bill, we had good times, and we now have a marked recurrence of the same thing. The effect of the Republican tariff legislation



is especially noted by reference to the exports and imports for the years ending July 1st of 1897 and 1898.

The following are the exports and imports for those years :—

Exports to foreign countries in 1897 . . . . .	\$1,050,993,556
Imports from foreign countries in 1897 . . . . .	764,730,412

---

286,263,144

Exports to foreign countries in 1898 . . . . .	\$1,231,329,950
Imports from foreign countries in 1898 . . . . .	616,005,159

---

615,324,791

Last year shows the largest surplus to the credit of our country ever before attained in our history, and a much larger surplus than any other nation can show for the same years.

#### THE NICARAGUA CANAL.

The construction of the Nicaragua Canal is a national necessity. It is said by men experienced in this matter that if we had a war with any one of the great powers of Europe, the Nicaragua Canal would pay for itself in twelve months. But aside from its use in war, it is invaluable to the United States in peace, because it would connect our territory on both sides of the continent and would be of especial value to the Pacific States. It is a mistake to build battleships to protect our coast and defend our commerce, and at the same time not to construct this canal. It is a greater mistake to attempt to build up American commerce and not provide the highways over which that commerce shall move. The Nicaragua Canal is one of the greatest necessities of this age. Its construction will not only unite two oceans, but two continents, and it will shorten the distance between both more than one-half. At present the people of the Pacific side of this Republic have no chance to compete with our people living on the Atlantic.

China, Japan, the Indies, Oceanica, and all of that vast number of Pacific islands, including Australia and New Zea-

land, will be brought nearer to the Atlantic side of America when this canal is completed; the commerce of the Pacific will be greatly increased, and thus we will reap an immeasurable benefit.

So much has been said in favor of this great canal, and so little against it, that one is led to marvel why it has not been built. The fact seems to be that foreign nations do not build it for fear of American diplomatic complications, and America does not build it because she can put it off. But the time is fast approaching when we must cease the "dog in the manger" policy. We must either act or let some one else act. The whole civilized world is interested; and further delay on the part of our Government will be dangerous to our future control of the commerce of the Pacific Ocean.

Let it be said, with bated breath if need be, that the Southern Pacific Railroad Corporation opposes its construction. The knowledge is common to the public men in and out of Washington that such is the fact. Let us adopt the remedy proposed by the Republican platform, to take the money due the Government from the railroads, and use it to build the canal. This would be retributive justice. The Republican platform on the subject is as follows:

"The last Congress having unanimously passed a law providing for the collection of the indebtedness due from the Central and Western Pacific Railroads to the Government, the Republican Party favors the enforcement thereof, and, unless such law and all the provisions thereof be promptly accepted and complied with by such specified railroad companies, that the law be strictly enforced and the lien on said roads and properties be foreclosed and said roads and mortgaged property be sold according to law, and that all funds that now or hereafter are realized from either or both said Pacific railroads, or from the collection of their debt to the Government, whether voluntarily or by foreclosure, be applied to the construction of the Nicaragua Canal."

## THE SILVER PROBLEM

Which two years ago disturbed the American business world, has, for the present at least, settled itself, and there can be no reason for that question entering into political discussions this year, for the amount of money in circulation is most ample.

This question has been largely settled through the medium of Republican tariff legislation. That is to say, since the Republican protective tariff laws went into effect we only import about three-fourths of the amount we imported under former tariff conditions; for instance, for the fiscal year ending July 1, 1897, under the Democratic tariff laws our imports were \$764,730,412, while for the fiscal year ending July, 1898, under the Republican Tariff Act, our imports were only \$615,324,791; and this was in war times when our foreign demands were largely increased.

The result of this is, that our exports have greatly exceeded our imports, and, when this occurs, money flows into the country. Foreign peoples are paying us more money than we are paying them, thus our money for home circulation is increased because we do not have to send it abroad. We do not need to increase our mintage of silver to increase our circulation of money. Thus in America, with the present trade conditions and for all home purposes, a silver dollar, a paper dollar and a gold dollar has to-day the same value. Our protective laws and trade conditions have, for the present at least, settled the great monetary question so recently disturbing our country.

## THE PROTECTIVE POLICY OF THE REPUBLICAN PARTY UPON THE LABOR QUESTION HAS BEEN OF INCALCULABLE BENEFIT TO THE PEOPLE.

As our population increases the labor problem becomes of the most serious moment, and that Party which offers the most and best opportunities for labor serves the country best.

Taking the month of March of the two years of 1895 and 1898 as a test, we find, that in the former year the

Wilson Bill, a Democratic tariff measure, was in full operation. It appears by an official examination of 2229 manufacturing establishments situated in different States, that in the month of March, 1895, there were employed 204,580 men who received wages in the aggregate of \$7,049,323.34; for the month of March, 1898, just three years after, the same establishments employed exactly 269,329 hands and paid them \$10,198,136.94 in salaries. These factories represented a large variety of production and were widely scattered over the country.

The average wages per capita per month in March, 1898, when we had protective laws, was \$38.60, and the average wages per capita per month in March, 1895, when we had Democratic free trade laws, was \$34.60, making a clear gain monthly in wages when the Republican tariff law was in force of \$4.00 for each employee.

It must be seen that protective laws do protect, and that they protect labor against all unfair foreign competition, and they sustain the price of labor, and, therefore, protective laws benefit the laborer and thereby benefit the people, because the workers are a large majority of the people.

The protective theory is the Republican theory of government; the free trade theory is the Democratic theory of government. The protective theory gives an advantage to the producer rather than to the consumer; the free trade theory benefits the consumer at the expense of the producer, and as the people who have means are the chief consumers, and the people who have nothing but their labor as capital are the chief producers, it should be the policy of the Government to sustain the producer and let the consumer buy what he needs of his neighbor who produces. It may be said that the protective policy should apply with equal force to the men who produce and to the thing produced, and this is an additional reason why we should not overrun our country with the cheap labor of the Philippine Islands. Protection that does not protect the American laborer does not protect the products of his labor.



My fellow-citizens: I wish to say in the most emphatic terms, that in speaking of Mr. Maguire, I speak of his principles and not of him personally. I could not say an unkind thing of him if I tried. I believe him to be an honest man. I am opposed to his election because I think his principles are wrong.

Maguire is a single taxer. He has always been an enthusiast upon this subject, yet when given the nomination by the Democratic Party, and when called upon to declare himself upon this question, he said in effect that "his position as Governor would give him no power whatever to put these theories into practice," and his sponsors in the Democratic Party say the same thing; but his Populistic friends say that they believe in these principles of single tax, and they are for him because he believes in them also.

The question as to what this single tax means can be answered thus: "It is that land shall bear the whole tax for the support of the Government; that neither the improvements on land, money nor other personal property shall be taxed." This is the kernel of the whole doctrine.

The result would be, that the personal property and the improvements on real property, including the buildings, grades, tracks and bridges of the railroads, the money in bank, the pawnbrokers, and all other people dealing in or handling personal property, would not aid in the slightest degree in supporting the Government, while the man with a little home would be trebly taxed for that purpose. The farmer with small holdings, who can now illy afford to pay taxes, would then be compelled to pay three or four times as much taxes as he now pays. If it be true, as Mr. Maguire says, that excessive taxes would impoverish the rich land holders and thus compel them to sell their land, would it not destroy every poor man in the State before it reached the pockets of the rich; would it not imperil the home life of the masses of the people, because a poor man could not own a home?

This is the most unwise theory of taxation promulgated since the French revolution. This theory of taxation was

first advanced by one Francois Quesnay, a Frenchman, but neither his own country nor any other civilized country has ever been foolish enough to adopt it. Imagine the effect that such a policy would have upon the business interests of the State ! Money itself would have no safe security and no loans would be made on land. Land is the basis of all property values, and when land has no value then money would be insecure and business confidence would be destroyed. Personal property would lose its value because real property, the foundation of wealth, would be valueless.

In order to promote the wishes of Mr. Maguire the Democratic State Convention either wittingly or unwittingly adopted the following plank in their platform :

“We favor a constitutional amendment abolishing the poll tax, and giving to counties and municipal corporations the right to adopt and change their system of taxation for local purposes whenever a majority of the people of any such county or municipality shall so determine. We favor the adoption of State Constitutional Amendment No. 10, now pending, giving the right of local self government to the counties of the State.”

This amendment, on its face, is apparently for a good purpose, and it bears the ear marks of advancing the public good, but when we remember that, in the “*Examiner*” of November 6, 1896, Mr. Maguire used the following language :

“Already the single taxers demand that practical effort  
 “be commenced immediately to force the issue into politics  
 “in California. The Legislature will be asked at its next  
 “session to submit to the voters a constitutional amendment  
 “remitting the whole question of taxation for State, county  
 “and municipal purposes to the Legislature, as a *first step*  
 “towards a *single tax*. The moment that amendment is sub-  
 “mitted the battle will be on in earnest.”

It will be seen that in the language of Mr. Maguire himself “the battle will be on in earnest” when the Legislature meets. And the question that confronts the people of California is not so much whether Maguire or Gage shall be

electd as whether the single tax craze shall prevail in California, and all values of property be thus unsettled, if not practically destroyed.

Do the people of this State wish to place in the most exalted position in their gift a man entertaining these views? Can the people afford to set the seal of their approval upon the single tax proposition, as they would do if they elected its most earnest and able exponent to the position of Governor?

If Mr. Maguire thinks wrong on this subject will he not think wrong on other subjects? It is absurd to say that he can do no harm because he entertains these views, because if he is elected Governor, and a Democratic and Populistic Legislature is elected also, then through the Governor's influence the organic law of the State can be changed to meet the wishes of the Governor, and the initial step has been taken in the Democratic Platform, before quoted. If the majority of the people are in favor of a man for Governor this year who is for single tax only, why should they not sustain the same policy next year? Thus this election is the test of the strength of this policy—the issue becomes single tax or no single tax, protection of property rights or destruction of all values in landed property.

#### THE RAILROAD QUESTION.

My fellow-citizens, on the railroad question the Democracy is making its usual flank movement by pointing to the Republicans and charging that party with being dominated by railroad politics. It is an historical fact that for sixteen years past the Democracy have never won a single State contest that they have not gained by railroad influence, and during that time they have been in power three of the four terms.

It is known to every public man, Democrat or Republican, that the Southern Pacific Railroad Company has for many years tried to control the politics of this State. Its vast influence and unlimited capital is used in politics full as much as in business. It places money ahead of men and

its own greed in advance of public morals. If this thing is longer permitted to continue it will imperil alike the rights of liberty and property; it is a menace to the Republic, and good men of all parties should unite in defeating its influence.

This year the Railroad Company is under special obligations to the Democratic Party. It never succeeded in getting a Refunding Bill through Congress until a Democrat drew it, and then every Democratic United States Senator supported it; and now, alas! the Democratic candidate for Governor is making political capital out of the fact that he opposed that measure in the House of Representatives. But this was done at a time when his opposition could do neither good nor harm.

The political power of the Southern Pacific Railroad corporation increases as new and additional favors are extended to it. With all its railroad mileage and its vast business interests it is a political machine. It is a power within the Government greater than the Government itself. It is now entering upon both State and National politics, and all parties should unite in opposition to its nefarious boss-rule.

It aspires to elect United States Senators and Congressmen. So open are its acts, that disinterested people attending political conventions intuitively ask, "How does the Railroad Company like the ticket?" rather than, "How are the people pleased with it?" Candidates for office look furtively up to the "Yellow Building" and wonder whether they will be beaten or elected. If it is for Gage, it is because it hates some one else more; if for Maguire, because it prefers Maguire for Governor rather than for Congressman or Senator. In any event, its friendship or enmity is controlled by self-interest. He who will do the most for the Railroad will gain its support and the last and best bidder gets the office.

The fight is on. Let Republicans line up for the great contest—you cannot serve the Lord and please the devil at the same time. You must choose sides.



Referring to the Senatorial question. The Southern Pacific Railroad corporation has never favored the selection of two United States Senators from the same party in this State. It has at times traded its influence with both parties. It could thus hope to control both sides and belong to neither side. I note no change in recent times.

It goes without saying that the Railroad is a political Ishmaelite. Its secret motives are past finding out. It was a life-long friend of Senator Sargent, but all at once it turned against him and defeated him. It claimed to be the friend of Swift for Governor, but at the election it caused his defeat.

The officers of the Southern Pacific Railroad say they are in politics to defend their property. What are the undeniable facts as to these matters?

1st. The railroads are worth millions, and they were made so by the bounty of the people. It is admitted that these companies own the railroads regardless of the fact that they got them for nothing, and that they are entitled to the same protection that the law gives to other people and to other property, and to no more.

2d. That neither the Governor, nor the State Legislature of California, nor the Members of the House of Representatives, nor the United States Senators from California could destroy or take away from these corporations their ownership of this property if they tried to do it, and they have not and will not try to do it. Therefore, the real purpose of having partial friends in Congress, or in any other department of the general Government, is to get more money from the Government than is justly due the Railroad Company or to pay the Government less money than is honestly due it.

3d. In State affairs there is no more reason for the railroad's interference in politics in order to protect its property rights than for the interference of any other citizen. It is a travesty on justice if they can have their personal friends on the Railroad Commission, a judicial body, or on the Board of Equalization, a semi-judicial body, or in any other

branch of the State Government. This is unfair to all other citizens. Compare the conduct of the railroad corporations with the other rich people and rich corporations in this State.

The time was in California, when Flood and O'Brien, Mackey and Fair, were said to be worth more than an hundred million dollars. They were certainly among the richest men on the Coast, and some of their capital was invested in railroads, yet they never interfered in politics. Mr. D. O. Mills, who is one of the richest men in California, never asked for political favors, and he is interested in railroads also; nor has the Bank of California, the Bank of Nevada, or the Hibernia Savings and Loan Society. All three are great monetary corporations; the latter is said to be one of the richest institutions of its kind in America. They did not ask to be treated different from other people; they did not demand that the Bank Commissioners be appointed in their interests, or Assessors selected because they were friendly to them.

California never was unfair to the railroads. The people of California have always, and will always, deal justly by capital and capitalists.

To illustrate the railroad power, we need but refer to James Bryce, a member of the English Parliament and an author of world-wide reputation, who in his "American Commonwealth," at page 653, volume 2, in speaking of the great Western railway magnates, graphically says:—

"These railway kings are among the great men, perhaps I may say the greatest men, in America. They have wealth, else they could not hold their position. They have fame, for every one has heard of their achievements; every newspaper chronicles their movements. They have power, more power—that is, more opportunity of making their personal will prevail—than perhaps any one in political life, except the President and the Speaker, who after all hold theirs for four years and two years, while the railroad monarch may keep his for life. When the master of one of the great Western railway lines travels toward the Pacific on his

palace car, his journey is like a royal progress. Governors of States and Territories bow before him; Legislatures receive him in solemn session; cities seek to propitiate him, for has he not the means of making or marring a city's fortunes?"

Many years ago, Mr. Lincoln, in a speech made in Springfield, Ill., quoting from the Scriptures, said: "A house divided against itself cannot stand;" and he added, "A Nation divided against itself cannot stand—this Nation cannot remain part slave and part free." If Mr. Lincoln had been gifted with the spirit of prophesy he could not have said a truer thing. Here and now I venture to add, that "a State divided against itself cannot stand," and any State government is divided against itself when corporations control or corrupt State politics. We are part slave and part free when the many are controlled by the few.

Said a United States Senator, in a speech made in the Senate some years ago, referring to the Pacific Railroad Companies:

"They have but one rule of policy—first employ all means to convince, failing in that then all means to crush.  
\* \* \* Their agents and attorneys and lobbyists swarm in our corridors, block the way to our committee-rooms and set spies upon our actions."

The Southern Pacific Railroad Company politically destroys those it cannot control. For full twenty-five years the Central and Southern Pacific Railroad Corporations have followed, with persistent bitterness, every public man and every newspaper that has had the independence to tell the truth about them, and they have slandered out of public life all those who did this. Note the old "Sacramento Union," Governor Haight, Governor Newton Booth, Senator A. A. Sargent, and many others who might be named.

They often herald the fact that they support certain candidates at nominating conventions, when they do not. This is done to make the candidates feel they will be under

obligations to them if elected. They openly declare they control from twelve to fifteen thousand votes in this State—men in their employ. If this be true, it is an humiliating and disgraceful thing to admit, and the people must make a new Declaration of Independence. This question rises above party. It reaches the honor of all men of all parties.

If these conditions continue, it may be that the question will ultimately come, whether or not the Government will have to own the railroads. It will be safer for the Government to own the railroads than for the railroads to own the Government.

We maintain that the political power of the Republic must rest with the people and not with the money of the people; that the ballot must represent men and not dollars; that American manhood cannot be bartered away by corporate influence without endangering the Republic; that the same law which governs one man must govern all men alike; and we demand that the people shall do their own voting, and that the Railroad Companies shall not be permitted to control the vote of their employees; that intimidation and menace shall not be political factors in California politics.

In 1832, General Jackson, when he vetoed the Bank Bill, used the following significant language, which has a peculiar application to the present subject:

“In the full enjoyment of the gifts of Heaven and the fruits of superior industry, every man is equally entitled to protection by law. But when the laws undertake to add to these just advantages and natural gifts artificial distinctions; to grant titles, gratuities and exclusive privileges; to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.”



The position of the Southern Pacific Railroad Company in California politics reminds me of Peggy's advice to little Paul, in Bulwer-Lytton's novel of Paul Clifford. That precious dame was desirous of teaching Paul to steal, and she said to him, "If you want what's not your own, try to do without it; if you can't do without it, take it by insinuation, not by bluster; they as swindles gets more and risks less than they as robs."

It is no criticism upon the honor, virtue or intelligence of the people of California to say that the Railroad corporations control political conventions or elections in this State. The masses of the people here, as elsewhere in America, are honest, and the rank and file of all parties is honest. But the Railroad's manipulators are always organized—the people never. Our rural population is sparse and widely scattered over the State; our industrial classes are busy in honest pursuits and they have no time to devote to political contests, and so that corporation which controls such vast business interests, reaching every town in the State, and which has no competition or opposition, can, and easily does control the politics of the State, unless the people shall unite against it.

I cannot close without saying a word for the State ticket.

The character of the Republican State ticket is above criticism. Our candidate for Governor is a man of strong personality. He is respected the most by those who know him best. Honest and capable, he will make an admirable Governor.

The Honorable Jacob Neff, our candidate for Lieutenant-Governor, is a pioneer miner. He represents in a very high degree the sterling integrity, the eminent fairness and the courage of conviction found among the best and noblest of our California pioneers. A vote for him will be a credit to the voter as well as an honor to the candidate.

I cannot forbear mentioning Judges McFarland and Van Fleet, our nominees for the Supreme Bench. Judge

McFarland I have known full forty years. I know he is a man of honor and ability.

Judge Van Fleet I have known as a boy and a man for thirty years. He is honest and able. Both these distinguished jurists ought to be elected.

Need I say a word for any candidate for Congress? Barham and Loud are renominated. They are tried men and true. They have had experience in Congress. This fits them for future work. Kahn and the other four candidates for Congress are well qualified for the positions they seek.

Fellow citizens, all elections are important. The perpetuity of this Republic depends upon the political action of the masses of the people.

This fall there is a bugle call to summon Republicans into line. Let that line be formed for truth and justice, for honor and patriotism and good government. Follow the great leader of our Party, McKinley, and we cannot fail. Let the Republican Party stand at the front for pure government. "For the morning stars will sing together and the sons of God will shout for joy when all men do right."







Calif. — 1909  
13

CALIF.  
ST.

THE TARIFF—THE LEMON INDUSTRY :

---

SPEECH

OF

HON. FRANK P. FLINT

OF CALIFORNIA

IN THE

SENATE OF THE UNITED STATES

MAY 29 AND 31, 1909



WASHINGTON  
1909

87549—8416



SPEECH  
OF  
HON. FRANK P. FLINT.

---

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes—

Mr. FLINT said:

Mr. PRESIDENT: The purpose of this amendment, increasing the duty on lemons from 1 cent to a cent and a half per pound, is to place lemons on an equality with oranges and other citrus fruits. The cost of producing lemons is considerably in excess of the cost of producing oranges, by reason of the fact that it requires more work in caring for the trees, in picking the fruit, and in preparing it for the market.

The lemon industry was established in California about twenty years ago. A few pioneers commenced planting trees in large numbers about that time, and in the course of ten years, or about the year 1898, there had been planted something like 6,500 acres. Encouraged by the Dingley tariff of 1 cent per pound, the acreage was more than doubled during the succeeding four years, and in 1892 it amounted to about 15,000 acres; but by this time the growers had learned that on account of labor conditions they could not compete with the foreign grower and they commenced to rebud their lemon trees to oranges, and the acreage in lemons rapidly decreased for the next two years, and in 1904 there were only about 9,200 acres remaining.

Experience had proven that 1 cent per pound was not sufficient to protect the lemon industry. Every effort was made to place it upon a paying basis, and notwithstanding the improved methods which had been introduced, the industry in California was in a grave danger of annihilation. At this time the transcontinental railroads, foreseeing the disaster, came to the rescue with a reduction in the freight rate from \$1.25 to \$1 per 100 pounds to practically all points in the United States and Canada. This again encouraged the growers to plant lemon trees, and under these circumstances the acreage has been increased until at the present time there are about 16,700 acres of lemon trees, with an annual output of about 1,585,000 boxes.

But now the lemon industry in California is again in a precarious condition, owing to the competition of lemons from Italy, where they have the advantage of low-priced labor and cheap transportation. The result is that our growers find themselves unable to successfully compete with the foreign producers, and there are now about 2,000 carloads of lemons in storage in southern California for which no markets at living prices have been found, and the growers are again in very considerable numbers rebudding their lemon trees to oranges. The industry

is at a standstill, and unless relief is obtained in this bill, it will only be a few years until this country will be dependent upon foreign producers for practically its entire supply of lemons. The California grower will not continue to devote his time, capital, and land—that can be made to produce a reasonable return in other industries—to the raising of lemons if he is to receive no profit from the investment.

The world's production of lemons is approximately 70,000 car loads per annum. Of this amount Italy produces 65,000 cars and California 5,000 cars.

The United States consumes annually of lemons and by-products of lemons approximately 19,000 carloads, made up as follows:

	Cars.
California product-----	5, 000
Foreign importations-----	7, 000
Total -----	12, 000
By-products of lemons—citrate of lime and lemon oil—all imported -----	7, 000
Total -----	19, 000

While the California production has increased during the last eight years, the increase has not kept pace with the increase of importations. California has never furnished so much as 40 per cent of the total amount of lemons consumed in this country, and during the past eight years has made no material advance in the per cent of production to the total consumption.

The receipts of foreign lemons in 1908 were 2,231,125 boxes, which was the heaviest importation in the history of the business, and was an increase of over 400,000 boxes in excess of the importation of 1901. From November 1, 1907, to April, 1908, 350,700 boxes of lemons were imported, while from November 1, 1908, to April 1, 1909, the importations amounted to 426,729 boxes, or a gain of 76,029 boxes during the first five months of the present year, which accounts for the storage of over 2,000 cars in California. This directly disproves the statement of the counsel for the importers when he said to the Ways and Means Committee that the earthquake at Messina had injured the lemons and would greatly decrease importations.

The United States can be divided into three great sections for the sale of lemons.

First. That part west of the Missouri River wherein the trade takes Californias almost exclusively, some foreigners being used along the eastern border of this section and in Texas.

Second. That part between the Missouri River and the Allegheny Mountains, wherein both Californias and the foreigners contend for supremacy.

Third. That part east of the Alleghenies and along the Gulf coast, wherein foreign control is absolute, except at certain seasons or times when foreigners are temporarily short, or the mid-country territory being fully supplied, California is forced to far eastern markets at a loss, as at present.

Approximately 35 per cent of the California lemon production is sold in the first-named territory; 50 per cent in the second; 15 per cent in the third.



While it is impossible to state definitely the percentage of foreign lemons in the divisions of the territory mentioned, it is probably fair to say that they are approximately as follows:

Five per cent in the first-named territory; 10 to 15 per cent in the second; and 80 to 85 per cent in the third. From this it will be seen that by far the largest proportion of imported lemons are sold in the eastern markets.

The California producers can only market eastward to the point where the railroad freights, added to the ocean freights and the duty on the foreign products, equal the cost of production and transportation of the California product. The result is that the great consuming population east of Pittsburg, except on rare occasions, is controlled by the foreigners. The sparsely settled territory west of the Missouri is controlled by the California shippers with the exception of a portion of Texas supplied from the port of New Orleans. The territory between Pittsburg and the Missouri, with the exception of the extreme South, is contested ground, where both domestic and foreign lemons are sold in sharp competition.

California lemons are shipped every month in the year, but by holding the fruit picked in the winter and spring in storage for several weeks, the distribution can be regulated to some extent to meet the more favorable conditions of the market. Under proper conditions the lemon tree is ever bearing, containing fruit in all stages of development from the blossom to the ripe lemon at the same time. As far as possible, the lemon growers harvest the crop in the summer when the fruit is in greatest demand, and they attempt to influence the season of bearing by pruning and by irrigation, though not to the extent that this is done by foreign lemon growers.

California lemons are only shipped to the New York and other eastern markets at times when the fruit can not be disposed of west of the Alleghenies. But this 15 per cent of California fruit which does reach the New York market regulates the price of lemons for the entire country. Without the California crop of 5,000 carloads a year, the people of this country would be paying not an average of \$2.75 to \$2.90 a box for lemons, but \$8 or \$9 a box. The high price of lemons which prevails at certain times of the year, according to the importers, should be charged to the duty levied for the benefit of the California growers, whereas we contend that the reason the consumer has to pay these high prices for lemons is that the California producers have not had sufficient protection from foreign competition to enable them to enter the New York market. The price of lemons in this country ranges from about \$1.50 per box in the winter months to \$9 per box during the hot weather of the summer season, and if the importers can put the price to \$9 in the summer months, when California is not able to supply the demand, they could put the price to that figure at all times of the year if the California growers were eliminated from the market.

The circular which was sent to Senators to-day by the New York Fruit Exchange states that the price of lemons throughout the country is fixed by the New York market; in other words, that the buyer of lemons in Indianapolis, Kansas City, and the other cities of the country pays for those lemons what

the New York market equals on that day. So, as a matter of fact, the New York market fixes the price of lemons throughout this country; but if it were not for the 15 per cent of California lemons going into the New York market, the price would increase immediately \$1 to \$4 per box.

I believe, Mr. President, that I can convince the Senate, by the testimony of one of the principal importers, that the effect of the 15 per cent of California fruit that enters the New York market is to materially lower the price. I read from the Tariff Hearings, Schedule G, page 4023:

Mr. UNDERWOOD. In brief, you contend that the only reason that the California people do not control the New York market is because they have not sufficient lemons?

Mr. SAITTA. Yes, sir; the only time when they ship lemons to New York is when they want to try to discourage the Italian people from sending their lemons to New York. If they had enough lemons to supply the demand, they would not need to do that; they could sell them the same as they do the oranges. For instance, last week they shipped into the New York market—when the market was \$4 and \$4.25, when they saw that there was a steamer coming to the city of New York—they sent 25 cars and broke the market \$1 a box.

In other words, if the 25 carloads of California fruit had not arrived in the New York market on that day, the people in New York would have been paying a dollar a box extra, according to the statement of the importer who is asking to have lemons placed upon the free list.

Mr. President, a cent a pound is not a sufficient duty on lemons; and if the duty is not increased, the lemon growers of California will have to go out of business or, at least, they will not be able to market their fruit any farther east than the Missouri River; and the result of the California growers not being able to go farther east than this, and leaving the foreign importers in possession of the New York market, will be to fix the price on lemons in Nebraska, Kansas, Indiana, and other Western States at the New York price, which will be from one to four dollars a box more than it is at present. The people of this country need have no fear of the increase in this tariff, amounting to about 36 cents a box, but what they must fear is an advance in the price of lemons of one to four and possibly as much as five to six dollars a box.

I will ask the Senator from New York [Mr. Root], when he replies to what I have to say on this subject, to answer the question whether the elimination of the California lemon grower from the New York market will not increase the price of lemons in that market from one to four dollars a box. In this connection, I desire to call the attention of the Senate to a corporation which has been formed in Italy, authorized by the laws of that country—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. FLINT. I do.

Mr. BURKETT. Will the Senator allow me to ask him a question before he goes on with the branch of the subject he is now going to discuss?

Mr. FLINT. Yes, sir; I shall be glad to do so.

Mr. BURKETT. While what the Senator states may control the market in New York, I think the Senator will admit that,

as you go west, in all the rest of the country, the California fruit has the protection also of the transportation from there, and though you may have to compete in the port of New York and all along the coast, every mile you get back from New York you have, in addition to the price there, the freight from New York back. That you already have as a protection.

Mr. FLINT. I will say to the Senator that it is contended by the importers, and we admit it to be a fact, that the price of lemons in Kansas, Nebraska, Iowa, Colorado, and in all the Middle Western States is fixed by the New York market. Sixty per cent of the California crop is handled by an organization of farmers called the "California Fruit Growers' Exchange." They have agents in almost every State in the Union, and when they sell a carload of fruit the price is based upon the New York market. A train load of fruit will leave California billed to Chicago, and as orders are received by the exchange from their agents, cars are cut out of the train at various points along the route, and the fruit sold at prices prevailing in the New York market on that day, and the prices in the New York market are fixed at public auction. Whatever the market is in New York the Omaha or Kansas City concern pays for it on that day. The freight on a carload of fruit is the same to all points east of the Rocky Mountains as it is to New York.

Therefore, by reason of the competition in the New York market, the consumer in Kansas and in Nebraska pays a lower price for fruit than if California was eliminated from the New York market.

When a carload or 25 carloads of fruit, or whatever the number may be, arrives at New York or any of the great centers, the fruit is offered for sale at public auction, and the price obtained, whatever it may be, becomes the ruling price for that grade and quality of fruit all over the country on that day. So, as I said a moment ago, the elimination of the California fruit grower from the New York market would make the consumers in this country pay from \$1 to \$4 a box more for lemons.

Mr. BURKETT. I will say to the Senator that my information with reference to the setting of the price for the Mississippi Valley is different from that; and if the Senator has any quotations of the price, I should be glad to see them.

While I do not expect to go into this subject just now, by my question I was only asking, as a matter of fact, if the California growers did not have the amount of transportation as a protection all the way west, because Sicilian lemons, when they come into New York, would have to pay the transportation. Therefore the California people could charge more if they wanted to, even if they do not do so. My understanding is—and I have received my advices from the Missouri Valley Fruit Jobbers' Association and from dealers—that the price is determined, as the Senator has said, in New York by auction; in fact, I have some of the auction records here for both Sicilian and California lemons. If a man in the Missouri Valley, in Omaha, in Kansas City, or in Sioux City wants to buy lemons for delivery next week, he is told he must pay the ruling price on the day of delivery; and that ruling price will be the auction price in New York plus the freight back to Omaha, or Sioux City, or Kansas City. I have had that statement made to me, and that is the information I have from the Fruit Jobbers' Association.

Mr. FLINT. If that were so, then, as a matter of fact, the consumer or the buyer in Nebraska would be better off than he would be if the California producer was eliminated from the New York market, allowing the foreign importer to fix the price in New York, because the California producer would then charge the buyer in Nebraska just that much more.

Mr. BURKETT. That may be very true, but I am not stating that in any way you may fix it the California man can not do that, because the Sicilian would do it; and, therefore, the California man would have to do it, however we might make the law. What I was trying to get at was an explanation of this point: For that particular part of the California product that is sold in New York, which is a comparatively small part of the entire amount of the product as the conditions are now, there may only be a cent a pound protection; but he has more on all the rest of his product, as it is sold farther West, and, therefore, the cent does not represent the real protection that he has for all the product; but it would be an average of that cent plus what he is protected, by reason of the freight charge that the Sicilian has to pay to get his product across the continent wherever it might be sent. So the protection is more than 1 cent a pound elsewhere than in New York, because that is the minimum protection of any place in this country.

Mr. FLINT. I think that the Senator is correct in the statement of that proposition.

Mr. PERKINS. If my colleague will permit me, the rate on freight from California to New York is the same as it is from California to Denver, to St. Louis, to Minneapolis, or to points in Nebraska. Therefore, there is no advantage to the orange grower or the citrus grower in California by reason of freight in delivering in Denver or in the city where the Senator from Nebraska lives, as compared with New York.

Mr. BURKETT. I understand that, I will say to the Senator; but the contention of many is that when the Sicilian lemon starts back to compete with the California lemon, while the California lemon may pay as much freight to the Missouri River, or, say, to Minneapolis, or wherever it may be, the Sicilian lemon would have to pay that much more to get out there so as to compete with the California lemon, and the California lemon can be sold for just as much more than the New York price as it costs to get the Sicilian lemon out there. Therefore the California lemon does have the transportation charge as an additional protection.

Mr. FLINT. The Senator is correct about that; there is no question about it.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Iowa?

Mr. FLINT. Certainly.

Mr. DOLLIVER. As the Senator knows, I have a feeling of friendly interest in this paragraph, and therefore he will not misunderstand me if I ask a few questions, raised in my own mind, although not settled, by information that has drifted in from time to time since the discussion has been going on. I have heard it said here by people interested against the pro-



posed increase that our people in California can produce only about one-third of the lemons which are consumed in the United States. I should like to have the Senator's statement as to that.

Mr. FLINT. As a matter of fact, Mr. President, the amount of lemons now consumed in the United States is about 12,000 carloads, and of that 12,000 carloads the Mediterranean furnishes 7,000 carloads and California 5,000 carloads. There is no reason why California, on account of her soil and her climatic conditions, can not produce all the lemons that we use in this country, and more. The only reason that we do not produce more lemons is that when we reach the New York market the competition there is so keen at times that we can not compete with the Mediterranean lemon.

Mr. DOLLIVER. I should like to ask another question, if it will not disturb the Senator. I have been told by persons claiming to be more or less familiar with the fruit business that the lemons of California get ripe in the winter time, and that at those periods of the year when the consumption of lemons is largest in the United States, owing to the heat and other circumstances, the California lemon orchards are not productive of lemons. That was told to me by a gentleman who claims to understand the matter; and a Senator, I think, told me that the same thing was true as to the great ripening of the crop of the lemon orchards in Florida as well as in California. I submit that to the Senator, and would like to have him give me the information.

Mr. FLINT. So far as the citrus-fruit industry in Florida is concerned, the Florida orange comes in about October and lasts during October, November, December, and January. The California crop of oranges is of two kinds.

Mr. DOLLIVER. I am speaking of lemons now.

Mr. FLINT. I am going to reach lemons in a moment. Florida lemons are not a competitor in a commercial sense with California lemons, as they only produce about enough lemons in Florida for their own use. They sell none outside of their own State.

In California we have two kinds of oranges, the Washington navel, which comes in about November and lasts until May, and some little into June, but very little; and at that period of the year we have what is known as the "Valencia orange," which is a new variety, so far as California is concerned, having come into the market in the last ten years. We ship the Valencia orange from May to November. So, as a matter of fact, California is serving the people of this country with oranges every month in the year, and at a lower rate than they were sold under the Wilson bill.

I am glad the Senator asked me that question. I have a statement here which shows the percentage of California and foreign lemons arriving during each month of the year.

Mr. ROOT. May I ask the Senator what was the point of arrival?

Mr. FLINT. I will give the figures in a moment of the different arrivals. My recollection is that of the foreign fruit between 70 and 80 per cent arrives at the port of New York.

Mr. ROOT. The Senator spoke of California lemons arriving. I supposed the statistics referred to the arrivals at some specific point.

Mr. FLINT. I should have said "shipped from California," instead of arriving. The figures are as follows:

Month.	Imported lemons.		California lemons.		Total consumption.	
	Per cent imports.	Car-loads, crop 1908.	Per cent sold.	Car-loads, crop 1908.	Total cars each month.	Per cent of year's supply for month.
January.....	4	280	9	450	730	6.08
February.....	4.7	329	9	450	779	6.49
March.....	8.1	567	7.5	375	942	7.85
April.....	11.2	784	7.5	375	1,159	9.65
May.....	14	980	11.5	575	1,555	12.96
June.....	18	1,260	12.5	625	1,885	15.71
July.....	16.4	1,148	13.5	675	1,823	15.20
August.....	9.5	665	4.5	225	890	7.43
September.....	4	280	3.5	175	455	3.80
October.....	2.8	196	7	350	546	4.55
November.....	4	280	8.5	425	705	5.85
December.....	3.3	231	6	300	531	4.43
Total.....	100	7,000	100	5,000	12,000	100

From this it will be seen that the California fruit comes in direct competition with the foreign importations every month in the year.

Mr. DOLLIVER. I do not think the Senator has touched the question as to the time these lemons are produced. What is the time of the natural lemon harvest in California?

Mr. FLINT. It is difficult to say just exactly the month that the lemon harvest comes in. There are two great cuttings in the year, one in the fall and one in the spring; but, as a matter of fact, the lemon is picked and shipped from California every month in the year. Owing to the demoralized state of the market there are now over 2,000 carloads of lemons in California that can not be shipped.

Mr. BRISTOW. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Kansas?

Mr. FLINT. I do.

Mr. BRISTOW. I have been told that there is only a limited area of the soil of California that is situated so that it can produce lemons successfully on account of the lack of water, and that this additional duty would add very largely to the value of some real estate holdings there that a number of speculators have, and that that was really the beginning of this campaign for an increase in the duties on lemons. I would like to inquire what area of the California soil is watered, so that it can be planted in additional lemon groves.

Mr. FLINT. There is one valley, known as the "Imperial Valley," where it is generally admitted lemons can be grown, which is almost as large as the State of Kansas, and there are many other places in California where lemons can be grown.

Mr. BRISTOW. It is abundantly watered, is it?

Mr. FLINT. It has all the Colorado River.

Mr. BRISTOW. About how much is there of the Colorado River when it gets into Imperial Valley?

Mr. FLINT. It is estimated that it could irrigate from 500,000 to 1,000,000 acres of land.

Mr. BRISTOW. That is not very definite, of course.

Mr. PERKINS. If my colleague will permit me, I will state that, as a member of the California State Board of Trade, we ascertained that at present we have 9,000 to 10,000 individual orange and citrus fruit growers. There are about 100,000 acres under cultivation, and we have lands in California extending from Red Bluff, in Tehama County, to the Imperial Valley, in San Diego County, and the foothills of the Sierra Nevadas, well adapted to the culture of citrus fruits of all kinds. This same argument was used twelve years ago, when we put the duty on oranges. The result of that duty is that to-day we are supplying oranges cheaper than they have ever been sold before in the country, and of a much better quality. So it will be with lemons, if we can have this protection. It not only provides protection, but, I will say to my colleague, it is a revenue measure, which ought to be supported by every Member of Congress. Under the present law this duty brought in last year \$2,309,035, and under the proposed increase in the duty it will make an increase in the revenue of \$769,000, in round figures.

Mr. FLINT. I will state to the Senator from Kansas that there is absolutely no foundation for the statement that it would be possible to have any speculation in land in California based on an increase in the duty on lemons.

Mr. BRISTOW. Is this vast area of land which the Senator has referred to watered or situated so that it can be watered, and are ditches constructed or being constructed?

Mr. FLINT. It is not all under ditch now.

Mr. BRISTOW. How many acres are under ditch now?

Mr. FLINT. I would not want to say exactly—over 300,000 acres.

Mr. BRISTOW. Three hundred thousand acres that are not being cultivated?

Mr. FLINT. Oh, it is under cultivation of some kind.

Mr. BRISTOW. It came to me in a way that impressed me very much that some real-estate speculators, who had irrigation plants and ditches, and so forth, thought that this increase of 50 per cent in the duty on lemons would be of very great value to them, and therefore they were exceedingly anxious to have it adopted.

Mr. FLINT. I will repeat my statement to the Senator from Kansas that there is absolutely no foundation for that story. The citrus-fruit industry is not limited to California. As a matter of fact, they are now planting orange groves in Texas. They can be grown in most all the Southern States, including New Mexico and Arizona. Not only in southern California, but throughout the State, oranges and lemons can be produced; and I can say to the Senator that there is absolutely no foundation for the statement that there is any real-estate speculation involved in the proposed increase of duty of half a cent a pound on lemons.

I was just at the point of calling the attention of Senators to what would be the effect of the elimination of the California lemon growers from the New York market; and I want to state, as strongly and positively as I can, that if we do not have an

increase in the duty on lemons, it will mean, as far as the eastern market is concerned, the elimination of the California growers.

I ask consent to print in my remarks a copy of the articles of incorporation or charter which the Italian Government has granted to a citrus-fruit chamber. The purpose of this organization is to limit the amount of citric acid that is shipped from Italy and to fix the minimum price.

Consul Cheney, in his report on the lemon industry in Sicily, says:

A new law was enacted on June 5, 1908, whereby a citrus-fruit chamber (*camera agrumaria*) was established, the object of this new law being to centralize the sale of citrate of lime and lemon juice under the direct control of the chamber. All goods which are not sold through the chamber are subject to a tax which is estimated at 25 to 30 per cent of the normal value, whereas goods sold to the chamber only pay a commission of 2 per cent.

The result of this is simply the authorization by the Italian Government of the formation of a combination by which the price of citrate of lime, a by-product of the lemon, is fixed for the entire world; and if the California lemon grower were eliminated from the market, there would be a similar combination for fixing the price on lemons.

Not only that, but the New York importers formed an organization a year or two ago by which they sought to control the imports into this country, and I ask to have printed in my remarks a copy of the articles of incorporation of the Fruit Importers' Union of New York.

THE VICE-PRESIDENT. If there be no objection, the request of the Senator for the printing of these documents will be complied with. [After a pause.] The Chair hears no objection.

The documents referred to are as follows:

*Victor Emmanuel III, by the Grace of God  
and by the will of the Nation King of Italy:*

The Senate and the Chamber of Deputies have approved: We have sanctioned and do promulgate as follows:

#### ARTICLE I.

A citrus fruit chamber (*camera agrumaria*), with its seat at Messina, is established, which has for its scope the protecting and furthering of the interests relating to the production of and commerce in the citri and the facilitating of the manufacture of and trade in the citrus derivatives. To which end the following functions are accorded to the chamber:

- (a) To study and promote the provisional measures for the development and regulation of the commerce in the citri and their derivatives;
- (b) To undertake and furnish to interested parties information regarding the conditions of the principal markets and regarding the quantity of fruit in situ or in transit;
- (c) To facilitate and further the direct relations of exchange between the producers and consumers of the citri and derivatives;
- (d) To develop the consumption of the derivatives of the citri, seeking for them new outlets or new uses or applications;
- (e) To guarantee by issuance of certificates of analysis, given by chemical laboratories of the citrus fruit chamber or by others recognized by the same, the genuineness and the quality of the citrate of lime and of the concentrated juice produced in the Kingdom, whether for internal consumption or for exportation;
- (f) To attend, for account of the producers who may make request for it, and in the forms established by this law, to the sale of citrate of lime and of concentrated juice which has been delivered to said chamber for that purpose by the producers themselves;
- (g) To promote, wherever necessary, the establishment of general storehouses for the citrus derivatives in the centers of production which are unprovided with such storehouses;
- (h) To make advances upon the deposits of citrus derivatives or upon certificates of deposit of the derivatives themselves in the general



storehouses, within the limits and in accordance with the regulations laid down by this law;

(i) To promote and facilitate the establishment and operation of factories for citric acid, candied fruits, and other products derived from the citri;

(l) To promote the formation of a citrus fruit bank, which may make advances upon deposit to the citrus producers and manufacturers. The functions of the chamber as detailed in sections "e" and "f" may be, by royal decree, extended to other derivatives of the citri.

#### ARTICLE II.

There are established five sections of the citrus fruit chamber whose seats shall be, respectively, in Palermo, Catania, Messina, Siracusa, and Reggio, Calabria.

Each section is composed of 3 members chosen among the larger producers of citri, 2 nominated by the provincial deputation and 1 by the local chamber of commerce.

Until it will have been otherwise provided by special laws to be presented by the 30th of June, 1909, for the organization of elected representation by an assembly of delegates of the producers, the chamber shall consist of 9 members, of whom 5 shall be chosen, respectively, by the sections from among their own members; the other 4 shall be chosen by the minister of agriculture, industry, and commerce from the class of the citri cultivators after hearing from the issue banks.

The members of the sections and of the citrus fruit chamber must possess Italian citizenship.

In case the appointments are not made by the time established by the minister of agriculture, industry, and commerce, the same minister shall provide for the nomination of the counselors.

The counselors, thus nominated, shall elect from among themselves, by secret ballot and absolute majority of votes, the president and vice-president.

#### ARTICLE III.

The office of counselor of the chamber is gratuitous.

The chamber shall appoint a technical manager, a secretary, and the other requisite employees for its operation, within the limits of the plan to be approved by the minister of agriculture, industry, and commerce, by whom, moreover, the salaries for the said force must be approved.

#### ARTICLE IV.

Commencing with the fifteenth day following the first formation of the chamber, citrate of lime and concentrated juice shall not be admitted for transport upon the railroads or for shipment in the ports of the Kingdom, if they are not accompanied by a certificate of analysis issued by the citrus fruit chamber.

Exception is made for shipments sent to the magazines appertaining to the said chamber, or made in view of transportation or concentration of the products in magazines in which the said products are to remain while awaiting sale for consumption or for exportation. In these cases the circulation of said products must be effected according to the instructions which shall be established by the rules of administration for assuring the payment of the chamber tax, in accordance with Article II, when they may be sold for consumption or exportation.

#### ARTICLE V.

Whoever produces citrate of lime or concentrated juice or trades in these products may intrust the sale to the citrus chamber, depositing the merchandise either in the magazines of the respective sections or in another one of the citrus fruit chamber, or in the general magazines authorized by said chamber to take delivery of the merchandise for its account.

The sale is made by the chamber for account of the depositors, according to the order of precedence in which the merchandise was delivered.

At the commencement of each trading year the chamber establishes the minimum valuation of the merchandise for the entire season; this valuation marks the minimum price of sale below which the chamber can not cede the goods.

The proceeds are liquidated in favor of the several depositors at semi-annual periods and in equal measure for all, according to the rules for computation, which shall be determined by the rules of administration.

#### ARTICLE VI.

To the citrus fruit chamber is transferred, as first capital and without obligation of reimbursement, the sum of lire 200,000 (\$38,610), to be levied upon the sums set aside in the expense budget of the minister of agriculture, industry, and commerce, based upon the law of July 11, 1904, No. 376.

With said sum and with the proceeds of the tax provided by Article XI, the citrus fruit chamber is authorized to make the advances upon certificates of deposit of the citrus derivatives in the general magazines, subject to the dispositions of Article XII.

#### ARTICLE VII.

The said advances are made in the proportion of two-thirds of the value of the citrus derivatives.

Upon these advances interest is due at the rate of not exceeding 4½ per cent from the date the advance has been made to that of sale.

#### ARTICLE VIII.

The banks of issue are authorized to discount, at a special rate, in the proportion established by the preceding article, and according to the terms of Article XXX of the unified text of laws upon the before-mentioned banks, modified by the law of December 31, 1907, No. 804, the warrants of the citrus derivatives, upon whose certificates of deposit the citrus fruit chamber may have made advances, subject to the dispositions of Article XII.

#### ARTICLE IX.

At the time of effecting the advances upon the goods delivered to the chamber for sale, the chamber itself shall cause the analytical examination of them to be made. After the advance has been made, the goods are understood to be definitely delivered for sale.

#### ARTICLE X.

When the goods of each depositor are sold, the chamber pays on account the portion of the price which remained after the advance, thus completing the payment of the minimum price of the annual valuation.

The liquidation of the actual price of sale shall be made at the end of each half year—that is, on June 30 and December 31 of each year—upon the basis of the actual net profit of sales made during the half year.

#### ARTICLE XI.

Upon the citrate of lime and upon concentrated juice, for which the certificate of analysis is requested for transport upon the railroad or for shipment, in accordance with Article IV, the chamber collects a chamber tax, the proceeds of which are destined to defray the expenses of administration and others dependent upon the disposition of this law and to contribute to the formation of the capital of the chamber.

For the products not intrusted to the chamber for sale, the chamber tax is liquidated and exacted upon the certificate of analysis, based upon the quantity for which the certificate itself is issued and in the maximum proportion of lire 0.60 (\$0.116) per quintal (220 pounds) and per each per cent in grams of citric acid, adding together the free citric acid and the combined citric acid.

The chamber tax upon the products sold by the said chamber for the account of the respective owners is exacted by levying 2 per cent upon actual net proceeds of the sale. No other sum may be levied upon the sale price, the warehouse charges and also the cost of analysis being understood to be covered by the said levy.

The chamber may also sell on the spot. In this case there shall not be due by the purchaser, even though he may wish to export, at the time when the certificate is issued to him, the tax provided in this article, which shall be understood to be included in the price.

The certificate of analysis must in every case be viséed in exemption of stamp dues or every other expense.

#### ARTICLE XII.

From the proceeds of the before-mentioned tax 20 per cent shall be put aside and paid in to the Bank of Sicily on current account, bearing interest and mortgaged in favor of the banks which have made the advances, in the guaranty of the full payment of their credits arising from the operations made by them under the terms of this law.

#### ARTICLE XIII.

In case of proven irregularity in administration or the inobservance of the dispositions of this law and of the rules of administration as in Article XVI, or upon the ascertained impossibility to operate, the citrus fruit chamber may be dissolved by royal decree upon proposal of the minister of agriculture, industry, and commerce.

In case of dissolution, the administration is intrusted to a government commissioner until the installation of a new council, for which a limit of not exceeding three months shall be fixed.

## ARTICLE XIV.

Disputes between the chamber and whoever may have intrusted to it the sale of citrus derivatives in accordance with Article V shall be decided without appeal by three arbitrators. For this purpose there shall be formed a body of six arbitrators, of whom three shall be experts in legal matters and three experts in citrus-fruit matters, nominated and if necessary surrogated, two by the minister of agriculture, industry, and commerce, two by the first president of the appellate court of Palermo, and two by the chamber.

In the decision of each individual case there may not intervene more than two experts of one category, or more than one of those nominated by the chamber.

The selection of the arbitrators shall be made the first time by lot and thereafter by turn.

The costs of arbitration shall be borne by the party against whom judgment is given.

## ARTICLE XV.

To the industrial establishments for the working up of the citri, the candied citri included, and for the production or transformation of the citrus derivatives, which shall be founded in Sicily or in the Province of Reggio, Calabria, within the period of ten years from the date of this law, and to those already existing, there may be enlarged or transformed within the said period of time, for the increase of the production or transformation of said derivatives, are respectively extended the privileges accorded to new or enlarged establishments in the commune of Naples, according to Articles VII, VIII, XII, XIII, and XIV of the law of July 8, 1904, No. 351.

## ARTICLE XVI.

Within two months from the day of its installation the chamber must submit for approval to the minister of agriculture, industry, and commerce, its own rules of administration.

The rules shall determine:

- (a) The rules for internal administration.
- (b) The powers and responsibility of the president and of the several administrators.
- (c) The rules for the nomination and the eventual dismissal of the technical manager, of the secretary, and of the other employees.
- (d) The rules for the computation of the final liquidation of the price obtained from the citrus derivatives delivered for sale to the chamber, and whatever else may be necessary for the easiest attainment of the objects for which the chamber is established.

These rules of administration shall be approved by royal decree upon proposal of the minister of agriculture, industry, and commerce.

By the same royal decree shall be established the rules for the governmental supervision of the administration and the working of the chamber and the penalties for the violation of the dispositions of Article IV.

By royal decree shall be fixed the day when the citrus fruit chamber is understood to be established for the effects of Article II.

Such day can not be earlier than September 1, 1908.

By the same decree the relation between the functions of the sections and those of the citrus fruit chamber shall be regulated.

## ARTICLE XVII.

The chamber shall bank with the Bank of Sicily under the conditions and rules which shall be established by the rules of administration as in the preceding article.

## ARTICLE XVIII.

By royal decree there may be established a term of less than two months for the notice required for the working of the citrus general storehouses in conformity to the relative law.

## ARTICLE XIX.

When the capital of the citrus chamber, as in Articles VI and X, shall have reached the sum of 1,000,000 (lire) upon the ulterior net profits, the chamber shall set aside annually 20 per cent for granting aid for sickness and old age to the citrus-fruit operatives. The relative amounts shall be paid in semiannually to the national institution for aiding in sickness and old age of workmen (National Aid Institution, Cassa Nazionale di Previdenza), which shall administer the relative sums according to the contract which shall be established between said Cassa and the citrus fruit chamber.

## ARTICLE XX.

In case of the suppression of the citrus fruit chamber the capital accumulated in the period of its activity shall, by royal decree, proposed by the minister of agriculture, industry, and commerce, and after the council of ministers has been heard, be devoted in favor of citrus production, and employed in the manner which shall be judged most useful, and which shall be established by special law.

## TEMPORARY REGULATIONS.

## ARTICLE XXI.

Commencing from the day in which the citrus fruit chamber shall operate until the 31st of August, 1909, the citrate of lime and concentrated juice which will be deposited with the said chamber shall not enjoy, as to obligations toward the respective depositors, the precedence laid down in the second section of Article V, and the proceeds of the sale shall be distributed among all the depositors in proportion to their respective deposits.

The first liquidation shall be made December 31, 1908; the second August 31, 1909.

We order that the present, under the seal of state, be inserted in the official list of the laws and decrees of the Kingdom of Italy, commanding all whom it may concern to observe the same and cause it to be observed as a law of the State.

Dated at Rome, the 5th day of July, 1908.

VICTOR EMMANUEL,  
F. COCCO-ORTU.  
CARCANO.  
LACAVA.

Viséed: *The Guardian of the Seal, Orlando.*

*Certificate of incorporation of the Fruit Importers' Union.*

STATE OF NEW YORK,  
*City and County of New York, ss:*

We, Charles F. Hirzel, Horace W. Day, Giovanni Dominici, Frederick S. Robinson, Domenico Bonanno, Otto W. P. Westervelt, Antonio Minaldi, Henry W. Mitchell, Pietro Sciortino, Domenico Purpura, Louis Contencin, Alessandro Alessi, Pietro Brucato, Giuseppe Cutietta, Matteo Maniscalco, Pietro Larni, Nicolo Zito, Pietro Bajata, Vittorio Balassi, Michelangelo Pettinato, Giuseppe Villari, Benedetto Izzo, Henry Feltmann, Carl F. Braun, and Ignazio Mercadante, and Tommaso Gloe, being of full age, two-thirds of whom are citizens of the United States and a majority of whom are residents of the State of New York, do by these presents and in conformity with the act of the legislature of the State of New York, being chapter 228 of the laws of the year 1877, passed May 3, 1877, and entitled "An act to provide for the incorporation of exchanges or boards of trade," and the several acts amendatory thereof, do hereby associate ourselves together and form a corporation.

First. The name of the corporation shall be "The Fruit Importers' Union."

Second. The objects for which this corporation is formed are to promote the interests of the importers of foreign fruits at New York City and other American ports, to facilitate trade and commerce, to protect its members from unjust or unlawful exactions, to reform abuses in trade, to diffuse accurate and reliable information among its members as to the standing of merchants and other matters, to produce uniformity and certainty in the customs and usages of trade, to settle differences between its members, and to promote a more enlarged and friendly intercourse between the importers of foreign fruits in the city of New York.

Third. This corporation shall not have any capital stock.

Fourth. The time of the existence of this corporation shall be fifty years.

Fifth. The property, affairs, business, and concerns of this corporation shall be managed for the first year by twelve trustees, whose names are as follows: Charles F. Hirzel, Horace W. Day, Giovanni Dominici, Frederick S. Robinson, Domenico Bonanno, Otto W. P. Westervelt, Antonio Minaldi, Henry W. Mitchell, Pietro Sciortino, Domenico Purpura, Louis Contencin, Alessandro Alessi, who together shall constitute a board of trustees for the first year, their successors to be elected annually at such time and place as may be provided by the by-laws of this corporation, all of the above named being citizens of the United States and a majority of whom are citizens and residents of the State of New York.

87549—8416



Sixth. The principal office of the said corporation shall be located in the city and county of New York.

In witness whereof we have hereunto set our respective hands and seals this 23d day of July, in the year 1895.

[SEAL.] Charles F. Hirzel, Horace W. Day, Giovanni Dominici, Fredk. S. Robinson, Domenico Bonanno, Otto W. P. Westervelt, Antonio Minaldi, Henry W. Mitchell, P. Sciortino, Domenico Purpura, Louis Contencin, Alessandro Alessi, Pietro Brucato, Giuseppe Cutietta, Matteo Maniscalco, Pietro Larini, Nicolo Zito, Pietro Bajata, Vittorio Balassi, Michelangelo Pettinato, Giuseppe Villari, Benedetto Izzo, Henry Feltmann, Carl F. Braun, Ignazio Mercadante, Tommaso Gioe.

In presence of—  
WILLIAM HOLDEN WEEKS.

STATE OF NEW YORK,  
*City and County of New York, ss:*

On this 26th day of July, 1895, before me personally came William Holden Weeks, subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, said: That he resided in the city of New York; that he knew Charles F. Hirzel, Horace W. Day, Giovanni Dominici, Frederick S. Robinson, Domenico Bonanno, Otto W. P. Westervelt, Antonia Minaldi, Henry W. Mitchell, Pietro Sciortino, Domenico Purpura, Louis Contencin, Alessandro Alessi, Pietro Brucato, Giuseppe Cutietta, Matteo Maniscalco, Pietro Larini, Nicolo Zito, Pietro Bajata, Vittorio Balassi, Michelangelo Pettinato, Giuseppe Villari, Benedetto Izzo, Henry Feltmann, Carl F. Braun, Ignazio Mercadante, and Tommaso Gioe, and knew them to be the individuals described in and who executed the foregoing instrument; that he was present when they and each of them severally executed the same, and that they and each of them for himself acknowledged to him, the said William Holden Weeks, that they and each of them executed the said instrument, and that he, the said William Holden Weeks, thereupon subscribed his name as a witness thereto.

JOS. N. GOLDBACHER,  
*Notary Public, New York County.*

STATE OF NEW YORK,  
*Office of the Secretary of State, ss:*

I have compared the preceding with the original certificate of incorporation of the Fruit Importers' Union, filed and recorded in this office on the 27th day of July, 1895, and do hereby certify the same to be a correct transcript therefrom and the whole of said original.

Witness my hand and the seal of office of the secretary of state, at the city of Albany, this 25th day of May, 1909.

[SEAL.] HORACE G. TENNANT,  
*Second Deputy Secretary of State.*

Indorsed: Certificate of incorporation of the Fruit Importers' Union. State of New York, office of secretary of state. Filed and recorded July 27, 1895, 11 a. m. Andrew Davidson, deputy secretary of state.

Mr. FLINT. If we eliminated the California fruit grower from the New York market, we would be in this position: First, there would be a combination in the Mediterranean to maintain prices all over the world, as they would have no opposition if the California grower was eliminated; and then there would be a combination of the importers in the city of New York, and the price of lemons throughout this country would be just what those importers desired to make it.

The question that the Senate has to solve is whether lemons shall sell for two or three dollars a box or eight or nine dollars a box; and I ask the Senators whether they believe that the price would be lower in this country with the California producer in competition with the foreign producer, or with the California producer eliminated and the country left to a combination of the producers in Italy and a combination of the foreign importers in New York?

There can be no such thing as a combination among the fruit growers of California. While about 60 per cent of the fruit

is shipped by a corporative fruit organization, the remaining 40 per cent comes in direct competition with this fruit growers' association and all of it comes into competition with the fruit importers; so that we have to-day as strong a competition on lemons as it is possible to have. Now, the question is, Is it necessary for the California fruit growers to have an increase in tariff to enable them to continue in the business, or is the present duty sufficient? I ask to print a statement showing the cost of California fruit delivered in the eastern market to be \$2.32 a box.

The VICE-PRESIDENT. If there be no objection, the permission will be granted. The Chair hears no objection.

The statement is as follows:

The average cost of a box of lemons in California, on cars ready for shipment, is \$1.48, which includes all the expenses of cultivation, water, fertilization, fumigation, picking, handling, packing, and material used, and every item entering into the cost, excepting interest upon the investment in the groves and packing houses. Of this cost the amount expended for material is 48 cents, and the amount expended for labor per box is \$1.

The cost of transportation to eastern markets is 1 cent per pound, gross weight, or a total per box of 84 cents; making a total net cost per box, without interest, for delivering California lemons to eastern markets, \$2.32.

Mr. FLINT. Also a statement showing the cost of the foreign importations to be \$1.84.

The statement is as follows:

We have authentic information from the American consul at Palermo, Italy; from John Triola, now the manager of the Flagler Company, at Corona; and other persons experienced in growing and shipping fruit from Italy, that the actual cost of labor in Italy ranges from a franc and one-half (30 cents) to 3 francs (60 cents) per day; that the actual cost in Italy of producing a box of lemons, exclusive of interest, is 75 cents, of which amount there is expended for material 50 cents, which includes water, fertilizer, and packing materials; and there is expended for labor per box 25 cents.

The rate of transportation to America per box is 25 cents, making a total cost, without interest, of a box of lemons from Italy, in New York Harbor, \$1; and after paying the duty, amounting to 84 cents, makes a total cost on New York market of \$1.84, as against the cost of the California lemon of \$2.32; or a difference in favor of the Italy grower per box of 48 cents.

According to our consul's report the average production in Italy is about 300 boxes per acre, which means that a grower in Italy can make per acre \$150, selling lemons at a price which would leave the California grower no returns whatever. From this situation it is very evident that one of the three alternatives must occur—either the tariff duty must be advanced to 1½ cents per pound, or the price of labor must be materially reduced, or we, as a Nation, must continue to eat foreign lemons.

Mr. FLINT. The increase in this rate amounts to about 36 cents a box. Under the present market conditions the California grower is not able to enter the New York market, as imported lemons are now selling in the New York market for less than the cost of California fruit delivered.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. BURKETT. Will the Senator let me ask him a question?

Mr. FLINT. Certainly.

Mr. BURKETT. This is the important point in all this discussion, it seems to me. I have here the brief of the Lemon Growers' Association as they filed it before the Ways and Means Committee of the House. I will begin in 1906. I might go back, although some years are not quite so large. In 1906

the profits per acre of the lemon orchards, as shown by the brief which they filed——

Mr. FLINT. What page?

Mr. BURKETT. I have page 3862. The profit of the lemon growers in 1906 was \$119 an acre; in 1907 it was \$88 an acre; in 1908, \$50 an acre. There was a year—1900—when it seems to have been very low—\$3 per acre. That is the profit after taking out the expenses, as I take it; but the lowest is \$3 an acre. Then it runs to \$10 an acre, \$14 an acre, \$18 an acre, \$28 an acre, \$48 an acre, \$69 an acre, \$50 an acre, \$88 an acre, \$119 an acre. It runs from \$3 an acre to \$119 an acre. To one who lives in an agricultural region, of course, that seems an enormous profit.

I understand that the price of the land is a great deal higher than average agricultural land; but, nevertheless, with almost any priced land, those profits—clear profits—certainly represent more than land in any other agricultural section in this country yields.

I can not understand, therefore, the Senator's statement, which he has just made, that the lemon planters are in a very serious condition and that they can not sustain themselves under the present duty. That, together with the fact, as shown in the first column of the same table, that this industry in planted acres has grown from 6,518 acres in 1898 to 16,718 acres in 1908—almost treble in ten years—makes it difficult for one to understand the statement of the Senator with reference to their condition; and if the Senator can explain it, I should like to hear the explanation.

Mr. FLINT. The Senator did not read the entire statement. I wish he had done so. I will ask to have it inserted in the RECORD as a part of my remarks. It shows the average profit per acre during the ten years to be \$43.19 an acre.

The table referred to is as follows:

87549—8416

*Citrus industry in California for eleven years—Average production, selling price, cost of production, and profit of an average grove per acre.*

Variety.	Year.	Acres.	Boxes produced.	Total boxes.	Average price per box f.o.b.	Gross average per acre.	Producing cost per acre without interest.	Selling cost per acre.	Profit per acre.
Oranges.....	1886	30,193	5,371,000	5,734,800	\$1.25	\$191.00	\$172.00	\$9.00	\$10.00
Lemons.....	1886	6,518	363,800	3,909,800	1.72	154.00	101.00	5.00	48.00
Oranges.....	1888	34,996	8,628,000	6,784,500	1.70	228.00	151.00	8.00	69.00
Lemons.....	1889	8,672	281,800	9,371,800	1.22	208.00	190.00	10.00	3.00
Oranges.....	1900	39,146	6,283,000	8,378,500	1.68	225.00	153.00	8.00	64.00
Lemons.....	1900	10,827	451,500	9,265,300	1.29	191.00	163.00	9.00	14.00
Oranges.....	1901	43,162	5,459,500	11,174,200	1.09	198.00	205.00	11.00	18.00
Lemons.....	1901	12,979	912,300	11,871,700	1.37	231.00	198.00	10.00	28.00
Oranges.....	1902	47,245	7,499,900	10,352,900	2.11	276.00	149.00	8.00	119.00
Lemons.....	1902	15,119	878,600	11,005,300	2.00	221.00	126.00	7.00	88.00
Oranges.....	1903	48,086	8,438,800	12,071,000	1.75	170.00	114.00	6.00	50.00
Lemons.....	1903	14,412	8,826,500	99,869,800					
Oranges.....	1904	52,251	10,306,200	9,780,500					
Lemons.....	1904	9,226	10,868,000		1.56	208.00	156.54	8.27	43.19
Oranges.....	1905	59,828	10,538,200						
Lemons.....	1905	10,309	1,833,500						
Oranges.....	1906	67,405	9,170,700						
Lemons.....	1906	11,572	1,182,200						
Oranges.....	1907	85,738	9,908,000						
Lemons.....	1907	13,478	1,097,300						
Oranges.....	1908	104,073	10,486,000						
Lemons.....	1908	16,718	1,585,000						
Total oranges.....			90,089,300	99,869,800					
Total lemons.....			9,780,500						
Average.....					1.56	208.00	156.54	8.27	43.19

<sup>a</sup> Loss.

Total profit on investment, \$43.19 per acre. Average cost of 1 acre, \$1,000. Average interest on amount, 4.3 per cent.



Mr. FLINT. The price of land in California is not excessive. The value of the land is about \$300 per acre. The cost of bringing a lemon grove into bearing is about \$1,000 per acre. I have understood from the Senator that there are in his State lands worth \$300 an acre.

Mr. BURKETT. There is not for agricultural purposes, I will say. There might be a small piece of land close to a city somewhere, but not land for agricultural purposes.

Mr. FLINT. I know that in the States of Idaho and Montana, and in various other States, apple land sells for \$300 an acre; and as high as \$500 an acre, the Senator from Utah says.

Mr. BURKETT. That might be true with respect to a special apple or peach orchard in our State, but not as to land for general agricultural purposes.

[At this point Mr. FLINT yielded the floor for the day.]

*Monday, May 31, 1909.*

Mr. FLINT. Mr. President, I do not intend to delay the Senate much further in discussing this subject.

A question was asked me by the Senator from Nebraska [Mr. BURKETT], as I was closing my remarks on Saturday, as to the cost and the profit per acre from a lemon grove. The profit on an average grove, as shown by the report that I submitted in my remarks, is \$43.65 per acre for the entire citrus-fruit industry in southern California during the last eleven years. The average profit which lemon growers have received during this period is about 4 per cent on their investment.

The points I desire to call to the particular attention of the Senate are: Should we allow this industry to be destroyed by foreign importations, and, if the industry is destroyed, will it not result in an increase in the price of lemons in this country?

We have imported during the last ten years 1,679,669,265 pounds of lemons, with an approximate net profit to a small group of importers of \$16,796,692, which sum would buy the 16,000 acres of lemon groves in California which 5,000 men have worked twenty years to produce.

The reason why the production of both oranges and lemons in California insures moderate prices is because the inviting business, from the standpoint of health, comfort, and a pleasing occupation, leads to a production that at all times equals the consumption in the markets available at living prices. The product, being perishable, is not subject to speculation, manipulation, or monopoly. The entire crop must be marketed in this country and continuously as it matures. This condition insures at all times a full supply, and therefore the consumer has the larger voice in fixing the market price. It is also worthy of notice that California has 10,000 growers and producers of citrus fruits, and this large body of men can never be worked as a unit, while the importers are confined to a very small group, closely associated.

The production of each carload of lemons in California means the expenditure of \$325 for labor directly, and in addition to the amount for labor expended in producing the orchard to bearing age and the labor expended in making boxes and wrapping paper in which to pack the fruit and the preparation of fertilizers for the ground and in securing water supply for irri-

gation; so that it can be safely said that for every additional car that California is allowed to produce it will mean a good living for a family. If the increase of duty be granted, it will mean approximately 5,000 additional cars of lemons per annum in ten years from this time and support for an additional population of 25,000 people, and this amount will be gradually increased as the consumption of lemons is increased through lower prices and better education in the use of the lemon as an article of diet and medicine.

It is contended that the California producers can not supply the lemons consumed in this country. This is true at present. It would not be possible for the California producers at this time to supply the 12,000 carloads annually consumed in the United States. But, unless we have this protection, it will only be a short time until we will not be able to supply even the part we are now supplying. At the present time lemons are selling at a price at which they can not be produced in California, and the argument is made that, notwithstanding this fact, the tariff should remain as it is. It would be a very short-sighted policy for the people of the United States to permit the lemon industry in this country to be destroyed in order that they may buy lemons at a few cents per dozen cheaper for the time being, because such a policy would inevitably result in their paying much higher prices when the competition of the product shall have ceased and the importer obtained a monopoly in our markets.

In a few years the production of lemons in California can be greatly increased by budding over orange trees, and within seven or eight years new orchards planted immediately after the passage of this bill would commence bearing, and within ten to twelve years we would be in a position to supply practically the entire market as we do at the present time with oranges.

Another matter that I want to emphasize is that, under present market conditions in New York, the California grower can not compete with the foreign lemons. The market during the last few days has averaged \$1.50 a box. I have here the last auction, showing Palermo lemons, by steamship *Irena*, sold at auction by Brown & Seccomb, Thursday, May 27, 1909, as follows:

One hundred and nine boxes, from \$2.25 to \$2.15.

Twenty boxes, at \$2.05.

Twenty-one boxes, at \$2.

Then follow prices running down to 21 boxes, at \$1.20; 22 boxes, at 75 cents; 98 boxes, at \$1; 59 boxes, at \$1.05; 50 boxes, at \$1.15; and 21 boxes, at \$1.50. During the last month the lemon market has not averaged \$1.70 a box. Yet it costs the California producer \$2.32 to land lemons in the New York market.

The effect of this is that we have to-day, as I have stated, over 2,000 carloads of lemons in California that can not be shipped, many of them going to decay. The result of such a market means the reducing of the acreage in California, so that in a short time we will be in a position to supply only the market west of the Missouri River; and the result will be that the foreign fruit grower will control the New York market, and thus advance the price for the entire country. Without the competition of the California grower in that market, as I have

shown by the testimony of Mr. Saitta before the Committee on Ways and Means, the price of lemons will increase.

Mr. President, there has been a report made by Mr. Powell that has been commented upon, giving the example of a lemon grove where the profit was, as shown by the report, excessive. There can be no question about the truth of that report and that there is a lemon grove in southern California which made the returns shown in that statement. But it is not an average return. If the whole report of Mr. Powell be read, it will be shown that instead of an acre producing a carload of lemons, the average production is about half a carload; and in addition to that, the price stated in that report probably was the price at that time of the year.

But the question that we must meet here is not the price of lemons at this time of the year, but the price of lemons during the months of June, July, and August. The lemon market, according to the prices I have quoted, now averages \$1.70, but during the coming month it may go to \$8 or \$9 a box. The price of \$8 or \$9 a box is made possible by reason of the fact that California can not then supply sufficient lemons to meet the demand and the foreigner makes the market just what he pleases.

The amendment which you are asked to agree to in this paragraph of the bill will, if adopted, be equivalent to an increase of about 36 cents per box in the duty on lemons, which amounts to approximately 1 cent a dozen on the small sizes, and from a cent and a sixth to a cent and a third on the standard sizes. But it does not follow that the consumer will have to pay even this slight increase in price, for under this additional protection the California production will be greatly increased and the law of supply and demand will cause the price to decrease, as has been the case with the present duty on oranges. The orange industry has prospered under the 1-cent per pound duty, and yet oranges are now furnished to the consumers at a lower average price than they were under the low rates of the Wilson bill. Is it unreasonable to expect that similar conditions may prevail under an increase in the duty on lemons?

There are comparatively very few articles in this tariff list produced by the farmer, the very existence of which depends upon protection. In fact, the farmer perhaps receives less benefit from a protective tariff than any other class of our citizens. The manufacturing industries of the country have a very large number of articles in this bill which will be adequately protected against foreign competition, and in the past great industries have been built up solely because of the encouragement given them by the protective policy. But there is not an article in the entire tariff list where the benefits of a protective tariff are as well illustrated as in the case of the citrus-fruit industry in the United States. The only trouble is, we have not gone far enough. We have remedied the unsatisfactory condition that has heretofore existed with respect to the orange industry, but the conditions affecting oranges and lemons, as has been pointed out, are different, and we must give further protection to the lemon growers if we are to save this industry from destruction and put it on a profitable basis, as we have done with the orange industry.





777.7

14.

---

**S P E E C H**

**O F**

**MR. GENTRY, OF TENNESSEE,**

**O N**

**THE ADMISSION OF CALIFORNIA.**

---

**GIDEON & Co., Printers.**



SPEECH

OF

M. P. GENTRY, OF TENN.,

ON

THE ADMISSION OF CALIFORNIA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, U. S., MONDAY, JUNE 10, 1850.

---

WASHINGTON.

GIDEON & CO., PRINTERS.

1850.





# SPEECH

HOUSE OF REPRESENTATIVES,

MONDAY, June 10, 1850.

The House being in Committee of the Whole on the state of the Union, and having under consideration the President's message in relation to the admission of California,

MR. GENTRY, of Tennessee, addressed the committee as follows:

MR. CHAIRMAN: Congress has been in session six months, occupied almost exclusively with the question now before this committee. Other questions of public interest, various and important in their nature, strongly claim the attention of the legislative branch of the Government, but are excluded from consideration. By a war with Mexico we have acquired vast territories. By the treaty of Gaudalupe Hidalgo we have bound ourselves to protect the people of those Territories; to secure to them all the rights of citizens of the United States; and in due time admit them, as States, into the Union. Repeated efforts have been made to redeem our plighted faith in this regard, but in every instance causes, which I will develop in the course of my remarks, have prevented legislation. We begin to realize the truth that the policy of aggressive war—conquest and colonization—is not suited to the genius of our Government. With our conquests there comes upon us the question, shall Congress prohibit or admit slavery in the Territories we have acquired? It is a question fraught with discord and danger. It has, in a great degree, alienated the Northern and Southern States, and made disunion a familiar word in our political vocabulary. It has paralyzed the Government, and threatens its destruction. The wisest statesmen and most sanguine patriots tremble for the safety of the Republic. What policy has brought us into these dangers? Who is responsible for the existing state of things? Who forewarned the country of this crisis? Who—what political party is it that, being solemnly forewarned, nevertheless blindly and recklessly persevered in steering the ship of state into its present perilous condition? These are questions which I propose to discuss with candor. I intend to speak what I think.

In debating so grave a subject, I would not, if left to choose for myself, introduce questions connected with party politics. But the course which gentlemen on the other side of the House have thought proper to pursue, leaves me no choice in this respect. They have debated the subject for six months, and nearly all who have spoken on that side of the House have labored to fix the responsibility for the existing state of things on the President of the United States. Differing widely as to the particular acts which are alleged to have produced the present state of affairs, they agree in ascribing them to him. While one gentleman urges that the existing difficulties are attributable to the position which he occupied when a candidate for the Presidency, another ascribes them to the advice which he has given to the people of California since his election; and others contend that all would have been well with us if he had announced in his annual message his purpose to veto any bill that might pass the two Houses of Congress inhibiting slavery in the Territories we have acquired from Mexico. The brief hour to which I am limited by a rule of the House will not permit me to repel, specifically, these discordant imputations; but I will endeavor to vindicate the President by exhibiting the true causes of the present state of affairs, and by fixing the responsibility where justice and truth require. I recognize the right of a representative of the people in the Congress of the United States freely to canvass the official conduct of the President, and every other executive functionary, and hold them to a rigid responsibility for their official acts. It is a right limited only by such restrictions as truth, justice, and honor impose. If these virtues have not lost their influence upon the public mind, the verdict of the country will be, that the President is in no degree responsible for producing

those evils which now excite the public anxiety. To explain thoroughly and fully the causes which have produced the sectional excitements and animosities which now disturb the harmony of the Union and obstruct the legislation of Congress, it is necessary to go back to a period when the representatives of the slaveholding States, mistaking the true policy of the South, violently and vehemently opposed the reception and reference of petitions for the abolition of slavery in the District of Columbia, emanating from Northern abolition societies finally succeeded in procuring the adoption, by this House, of a rule prohibiting the reception and reference of those petitions. Previous to the period to which I refer, efforts to agitate the public mind on the subject of slavery were confined to a few fanatics in the non-slaveholding States, who, organized into abolition societies, were in the habit of forwarding to Congress, at every successive session, petitions for the abolition of slavery in the District of Columbia, where, as they contended, Congress had full power over the subject. They were few in number, and the great body of the Northern people, of both political parties, neither sympathized nor co-operated with them. But the unwise course pursued by Southern Representatives with respect to their petitions, imparted to that handful of fanatics a power and influence over public affairs which has largely contributed to bring the country into its present condition. Petitions on the same subject had, from an early period of the Government, been from time to time presented, received, and referred, creating no excitement in Congress or among the people. It were well for the country if the same mode of treating such petitions had been continued.

But, unfortunately, the Southern members of Congress, under the lead of the late distinguished Senator from South Carolina, (Mr. CALHOUN,) opposed the reception and reference of those petitions, placing their opposition, if I remember correctly, upon the ground that the Constitution did not confer upon Congress the power to abolish slavery in the District of Columbia, and that the reception of petitions praying for such an object would be an implied assertion of the power to grant the prayer of the petitioners; that to admit the existence of such power in Congress would be fatal to the interests and rights of the slaveholding States; and that therefore the petitions ought not to be received. Their arguments prevailed, and the rule prohibiting the reception of such petitions was established. At that time, the late ex-President John Quincy Adams was a member of this House. Descended from a sire who had made himself illustrious by his public services in the Revolution—himself eminent for high ability and extensive acquirements—venerated, especially by the people of the Northern States, for his private virtues and public services—he put himself forward upon this floor, with all the weight of influence naturally attaching to one so characterized and distinguished, as the champion of the constitutional right of petition. Distinctly declaring himself opposed to granting the prayer of the petitioners, he nevertheless contended that it was the right of the people under the Constitution “peaceably to assemble and petition for the redress of grievances;” and that it was the duty of Congress to respectfully receive, refer, and consider their petitions. With unexampled inflexibility of character, he devoted all his powers to the contest; and, after a struggle characterized by the most excited and disorderly debates on this floor, and protracted through a period of several years, that rule was rescinded. Since then, abolition petitions, as in the olden time, have been received and referred every day, or at least whenever any member has chosen to present them, without a formal motion, and without creating the least excitement here or elsewhere.

In the progress of that struggle thousands, aye, hundreds of thousands, of the people of the non-slaveholding States, who had previously scoffed and derided the abolitionists, found themselves brought into sympathetic association and zealous co-operation with them. The unwise opposition of the public men of the South to the reception of their petitions had raised the abolitionists into respectable and honorable associations, and enabled them to appropriate to their objects the seeming championship of Mr. Adams, and to identify themselves with a question that addressed itself powerfully to popular sympathies. Aided by the circumstances to



which I have referred, they were enabled to give such a direction to political discussions as tended to deepen, and strengthen, and diffuse, far and wide, the abstract sentiment of hostility to slavery pre-existing in the minds of the Northern people. Meanwhile, Southern demagogues, under the impulse of motives not dissimilar to those which actuated the abolitionists, had been equally energetic and successful in arousing sectional passions and creating sectional hostility. It was when demagogues and fanatics had thus inflamed and excited the prejudices and passions of the North and the South, that the question of annexing the Republic of Texas to the United States was introduced into the politics of this country. Texas had proposed to annex herself to the United States during the Administration of President Jackson, by whom the proposition was promptly rejected. She renewed the proposition during President Van Buren's Administration, who likewise promptly rejected it. In the year 1840 William Henry Harrison was elected President of the United States, and John Tyler Vice President. In one month after he was inaugurated, President Harrison died, and the Vice President became the President of the United States. I need not dwell upon the political events which followed that occurrence. They are fresh in the recollection of all who have paid any attention to public affairs. Mr. Tyler refused to co-operate with the political party which elected him, and by a series of Executive vetoes, prevented the adoption of measures of public policy for which that party considered itself pledged to the country. They denounced him for dishonorable political infidelity; and, with the exception of some half dozen gentlemen, the Whig members of Congress placed themselves in hostile opposition to the President. Fierce and angry denunciations, criminations and recriminations, became the order of the day. In the midst of those exciting scenes, a distinguished Whig, who adhered to Mr. Tyler in that controversy, made a remark to me which produced a strong impression on my mind. Between that gentleman and myself very friendly relations had existed. He had exhibited some anxiety for me to take position with him in sustaining Mr. Tyler. In the conversation to which I am referring, he had been seeking to ascertain the disposition of my mind as to the policy of annexing Texas to the United States; and while speculating on that subject, he remarked, with great vehemence of manner, "Mr. Tyler holds in his hands a political question with which he can at any time destroy the present organization of political parties." The full meaning of this remark was explained when Mr. Tyler concluded a treaty with Texas, by the provisions of which that Republic agreed to surrender its nationality, and become one of the States of this Union, and when other developments showed conclusively that it was his aim, by means of Executive patronage, and the question of Texas annexation, to abstract from the Whig and Democratic parties materials for a third political party, by the support of which he hoped to be *elected* to the high station to which an accident had elevated him. The treaty being concluded and submitted to the Senate for its ratification, that body, after long debate, refused to ratify it. It was supported and opposed, indiscriminately, by Whigs and Democrats. It disturbed, but did not destroy, the existing party organizations. The period was approaching when the political parties of the country were to assemble in convention for the purpose of nominating candidates for the Presidency and Vice Presidency. For this purpose the Whig party and the Democratic party, respectively, assembled in convention at Baltimore; and Mr. Tyler mustered an assemblage there also, about as numerous and respectable as that famous company with which Falstaff was ashamed to march through Coventry. Previous to the assembling of the conventions, the universal sentiment of the Whig party had designated Mr. Clay as their candidate for the Presidency; and, with equal unanimity, Mr. Van Buren had been indicated as the favorite of the Democratic party. Each of these distinguished gentlemen were requested to make known to the public their views as to the policy of annexing Texas to the United States; and both of them proclaimed their opposition to that measure. The Democratic convention, seeing that without some new question capable of unsettling the opinions and purposes of the people with respect to political parties and public men, they were doomed to defeat, repudiated Mr. Van Buren

and nominated Mr. Polk, because he had expressed himself in favor of annexing Texas. The Whig convention, without a dissenting voice, nominated Mr. Clay. Mr. Tyler's convention performed the work for which they were convened by nominating him; but when that gentleman discovered that the Democratic party had robbed him of the hobby with which he had expected to ride triumphantly into the Presidency, he withdrew from the canvass. The Democratic party entered upon the canvass with the motto inscribed upon their party banner: "THE WHOLE OF OREGON AND THE ANNEXATION OF TEXAS."

Mr. Chairman, I am endeavoring to exhibit the causes which have brought the country into its present difficulties, and to fix the responsibility for the existing state of things where truth and justice require it to be fixed. Want of time will not permit me to present all the facts needful to a full comprehension of the argument. I beg gentlemen to remember all that the iron rule of this House prevents me from detailing. They will remember the position occupied by the Whig party with respect to the annexation of Texas, when, in the manner I have described, that was made a purely party question in the Presidential canvass of 1844. They will remember the views put forth by the Whig candidate (Mr. Clay) in his Raleigh letter. They will remember that the prominent men of the Whig party, with few exceptions, every where opposed that measure, upon the ground that annexation would be a breach of faith with Mexico; that it would probably involve the United States in a war with that Government; that it would create among our people an appetite for territorial aggrandizement that would be insatiable; that it would engender between the States sectional animosities, and imperil if not destroy the Union. What was prophecy then is history now. Their warnings were unheeded. Mr. Polk was elected to the Presidency, and, under his auspices, the measure of annexation was consummated. Mr. Calhoun, who was Secretary of State when the treaty with Texas was negotiated, placed the policy of that measure upon the ground that it was necessary as a means of giving additional security to slavery, by increasing the political power of the slaveholding States. The Northern States, opposed in sentiment to slavery, and unwilling to concede preponderance of political power to the Southern States, were naturally hostile to annexation; and although they sullenly acquiesced in the consummation of that measure, it was obvious to all that a deep feeling of discontent rankled in their bosoms.

The war with Mexico followed close upon the heels of annexation, and it was soon manifest that the President was resolved upon the acquisition of territory; and when a bill appropriating three millions of dollars, to enable the President to negotiate a treaty of peace, was under consideration, the gentleman from Pennsylvania, (Mr. WILMOT,) moved to amend it by attaching the Proviso, which has since figured so prominently in our political discussions. This House, by a large majority, sustained his motion, but the Senate failed for want of time to act upon the bill; and it did not become a law. When Congress assembled at the succeeding session, our armies had defeated and destroyed those of Mexico; and our commanders in California and New Mexico were in quiet possession of those provinces. They had issued proclamations announcing to the people of those provinces that they were "annexed" to the United States; thus disclosing, beyond the possibility of a doubt, that the President had from the beginning prosecuted the war with Mexico for the purpose of conquest. In his message to Congress, he assumed that all who questioned the propriety of his conduct in this respect were, in effect, opposed to their country, and were "giving aid and comfort to the enemy." On the motion to refer the President's message a debate arose, during which his supporters on this floor reiterated the same idea. Having participated in that debate, and, inasmuch as what I said on that occasion supports the position which I am now endeavoring to establish, I hope I will be pardoned for reading a short extract from the speech which I then delivered.

"It is the duty of Congress, and I invoke the performance of that duty, to limit and control the discretion of the President in relation to the further prosecution of the war. If Congress believes it to be expedient and just to wage a war of conquest for the acquisition of territory, let that fact be declared; and if Congress believes it to be inexpedient, let it assert the constitutional right of the legislative branch of the Government, by saying to the President 'thus far shalt thou go, and no further.'"

\* \* \* \* \*



"It is moral cowardice, when the great interests of the Republic are in peril, to shut our eyes, and shrink from a contemplation of the dangers with which we are threatened. \* \* \*

"He must be blind to all the signs of the times who does not perceive that there is a fixed and almost universal determination in the Northern States not to acquiesce in a further extension of territory, without attaching to such extension the prohibition to which I have referred. How shall we overcome this difficulty, when the question shall come before Congress permanently to annex the conquests of the President? We have already seen, by a vote of this House, that the non-slaveholding States will insist upon prohibiting slavery in those territories. Will the Southern States consent to the admission of free States south and west of Texas? What will Texas say? What will Louisiana say? What will the whole South say? All the dangers growing out of this question of slavery, which we have met and overcome heretofore, are as nothing compared with those which will arise when that question shall come up as the consequence of Mr. Polk's conquests and annexations.

"Mr. Chairman, in my opinion, there are bad men in the North and the South, who desire a dissolution of the Union, and who, without avowing their object, are laboring diligently to produce that end. The President is driving the ship of state into a most stormy and dangerous sea; and if Congress fails to act in the lofty spirit of patriotism which the occasion demands—if it fails to assert the constitutional rights and perform the constitutional duties which properly belong and attach to the legislative branch of the Government, by putting a limit to executive discretion in the further prosecution of this war with Mexico, in my opinion the day is not distant when it will require all the virtue, intelligence, and patriotism of the country to preserve the Union and save the public liberty."

Mr. Chairman, these remarks brought down upon me a storm of denunciation. Among others, my colleagues on the other side of the House made themselves prominent in attacking my course. They impeached my patriotism. They arraigned me for introducing the firebrand of slavery into the councils of the nation, for the purpose of impairing its energy in the prosecution of a "just and glorious war." This storm of denunciation was hurled against me for weeks, and until I was rescued by a movement of the honorable gentleman from New York, (Mr. PRESTON KING,) who sits before me. On the morning of June 5th, 1847, that gentleman entered this Hall with a roll of manuscript in his hand, and obtaining the floor, proceeded to "define the position" of the Democratic party of the Northern States with respect to the war with Mexico. Want of time will not permit me to read that important paper; but if I make misstatements with respect to it, I will thank the gentleman to correct me. In substance it said: "The Democrats of the non-slaveholding States intend to vote men and money, to any extent needful, for the vigorous and successful prosecution of the war with Mexico. They are in favor of acquiring territory to indemnify the United States for the expenses of that war; but it is with them a *fixed principle*, a *settled purpose*, not to permit the existence of slavery in any territory that may be acquired."

Mr. McCLEARNAND. I beg leave to say, that I, for one, objected to the manifesto of the gentleman from New York, and urged him not to offer it.

Mr. G. resumed. It is not my purpose to do injustice to any one. I remember that the gentleman from Illinois, (Mr. McCLEARNAND,) and, perhaps, two or three others on that side of the House, dissented from that manifesto; but their number was quite too small to impair in any degree the force of the fact which I am presenting. When the gentleman from New York read his manifesto, the storm which had been so long and so furiously beating upon me ceased.

The Whigs of the Northern States also defined their position. They proclaimed that they were opposed to extending the limits of the United States; opposed to the acquisition of territory north or south; but, said they, if we are overruled—if, against our counsels and votes, you insist upon acquiring territory, we will co-operate in preventing the introduction of slavery therein.

When we of the South were thus forewarned by the *Whigs and Democrats of the non-slaveholding States*, my friend from Georgia (Mr. STEPHENS) introduced a resolution, declaring the legitimate objects of the war with Mexico, and restricting the discretion of the President, by inhibiting the acquisition of territory. When I made the speech from which I have ventured to read an extract, I had in the drawer of my table a resolution, similar to that offered by my friend from Georgia, which I intended to offer at a suitable time. He anticipated me in the execution of my purpose. I had hoped when those developments should be made to which I have referred, *that the Democratic members of this House from the Southern States would co-operate with the Whigs to prevent the acquisition of territory.* I was disap-

pointed in this reasonable expectation. When the House voted on the resolution offered by my friend from Georgia, every northern and southern Whig voted for it: *every northern and southern Democrat voted against it.*

Mr. STEPHENS. No; Mr. Cobb, of Alabama, voted with us.

Mr. GENTRY. A friend informs me that Mr. Cobb, of Alabama, voted with us on the question to which I am referring. If my friend is correct in his recollection, I must do the gentleman from Alabama the justice to say, that he stands "solitary and alone," honorably isolated from his political party. In the Senate, Mr. BERRIEN introduced a resolution similar to that introduced here, and the vote upon it was precisely like that in this House; every Whig from the North and the South, with, perhaps, one exception, voted for it; and *every Democrat from the North and the South voted against it!*

Mr. Chairman, what causes have produced the present state of things? What policy? Who is responsible? Is it the President? The incontrovertible truths of history which I have presented vindicate him from that false and unjust imputation, and fix the responsibility where an honorable gentleman from Mississippi, (Mr. THOMPSON,) more candid than most of those who have spoken on that side of the House, says it ought to rest.

That gentleman, in a speech which he made a few days ago, claimed for the Democratic party, of which he is a member, the glory of annexing Texas; the glory of the war which followed that event; and the glory of adding to the Territories of the United States California and New Mexico. And he admitted, that all the responsibilities resulting from these achievements rested upon the Democratic party; and that, therefore, that party is bound to come to the rescue and extricate the Republic from the difficulties and dangers in which *Democratic measures have involved it.*

It has been my aim to prove the correctness of the admissions so candidly made by the gentleman from Mississippi, and to show, beyond the possibility of doubt or cavil, that the policy and measures opposed by this side of the House, and supported and carried through by that, have brought the country into its present dangers. Come what may, our skirts are clear. If the political equilibrium between the slaveholding and non-slaveholding States is lost, never to be regained; if the property of the Southern States is thereby rendered insecure; if faction and discord reign where patriotism and wisdom ought to rule; if the Union, and the liberty and happiness which it guarantees, are imperilled, the causes which have produced these evils are manifest, and the good sense of the country will correctly decide where responsibility rightfully rests.

But though, as I have shown, we can, on this side of the House, justly claim to be free from all responsibility for the present state of things, I hold that every patriot is equally bound to exert himself to save the country from the dangers by which it is now environed. The Wilmot Proviso, which reared its front in this Hall whilst the war with Mexico was raging, has reappeared at every period since the treaty of Guadalupe Hidalgo, when an attempt has been made to redeem the obligations which this Government assumed by the stipulations of that treaty; and the faith which we solemnly plighted to Mexico yet stands unredeemed. Meanwhile, as if to prepare the hearts of the people for bloodshed, civil war, and a dissolution of the Union, agitators, fanatics, and factionists in the Northern and Southern States have been busily and successfully engaged in inflaming and rousing into activity sectional prejudices, passions, and hostilities, whose loud roar, borne to our ears by every breeze that comes from the North or the South, bodes nothing but evil to the Republic. Six months of the session of Congress have been spent in angry debate as to what measures of legislation shall be adopted with respect to the Territories which we have conquered from Mexico, and there is now as little prospect of union and harmony on that question as at the beginning of the session; and it has been distinctly threatened that, in certain specified contingencies, faction will so display itself here as to defeat the appropriation bills, and thus arrest, if not destroy, the Government.

Mr. Chairman, this is a deplorable, humiliating, and dangerous state of affairs,



calling imperiously upon us all to hold our passions and prejudices in strict subordination to patriotism and reason, that we may devote ourselves with effective energy to the service of the country. What shall we do? To what remedy shall we resort? Where is the path that wisdom bids us tread? What line of policy will shield the country, and save it harmless from impending dangers? What measure, founded in justice and wisdom, can we adopt that will harmonize conflicting interests and prejudices, and give quiet and tranquility to this great family of States? The consideration of Congress and the attention of the public have been for some time directed to three propositions: 1st. That recommended by the President—2d, the Compromise Bill reported by the Committee of Thirteen in the Senate—and 3d, the Missouri Compromise Line.

The last mentioned proposition is supported chiefly by those gentlemen from the Southern States who have heretofore been most zealous and vehement in insisting upon the constitutional right of the slaveholding States to an unrestricted participation in the territories acquired from Mexico; and who have denied the power of Congress to *prohibit* or *establish* slavery, or otherwise legislate upon that subject in the Territories of the United States. I have never, in the course of my experience, known so glaring an exhibition of inconsistency by intelligent public men. To understand the effect of applying the Missouri Compromise to the territory acquired from Mexico, it must be remembered that slavery existed by law in all the Louisiana territory acquired from France, and that the Missouri Compromise *abolished and prohibited* slavery in all that territory north of  $36^{\circ} 30'$  of north latitude, and *permitted slavery* south of that line. It was literally the enactment of the Wilmot Proviso north of the line  $36^{\circ} 30'$ , and non-intervention south of that line. It was a distinct and most effective assertion and exercise by Congress of the power to legislate upon the subject of slavery in the Territories of the United States. To extend the Missouri Compromise line through our recent acquisitions to the Pacific, would be to enact the Wilmot Proviso in about four-fifths of the territory, and leave the residue, south of that line, subject to the operation of those Mexican laws which abolished slavery previous to our conquest, and which, according to the opinion of a large majority of jurists, remain in full force and effect. I am aware that gentlemen distinguished for legal learning hold that the Mexican laws are null and void; but whilst this question is undecided by competent judicial authority, slavery is as effectually excluded as if Congress had prohibited it by express provisions of law. No slaveholder would take his slaves into that country with the certainty of subjecting himself to a long and expensive law suit, that would most probably eventuate in the emancipation of his slaves. But no one believes that it is possible for such a proposition to pass in either House of Congress, and therefore it is a waste of time to discuss it. A fair apportionment, of acquired territory, between the slaveholding and non-slaveholding States, constitutes the *principle* of the Missouri Compromise, and to apply this principle to the territories acquired from Mexico, inasmuch as California has by her constitution prohibited slavery, all laws which prevent its introduction in the residue of our Mexican territory, should be repealed by Congress.

The Compromise bill of the Senate proposes to admit California as a State into the Union, to organize territorial governments for New Mexico and Utah without the Wilmot Proviso, and to settle the disputed question of boundary between Texas and New Mexico by giving to Texas a consideration in money to relinquish her claim. With respect to the admission or non-admission of slavery into those Territories, it adopts the principle of non-intervention, leaving the final decision of that question to the people when they adopt constitutions preparatory to their admission into the Union as States.

If it be true that the laws of Mexico which abolished slavery in those Territories remain in force until repealed, then by the provisions of the Compromise bill slavery will be excluded from those Territories during the continuance of the territorial governments which it proposes to establish, for it expressly inhibits the repeal of those laws. It does not secure to the slaveholding States what most of their public

men have claimed as their constitutional right. The people of the Southern States are not insulted by a direct enactment of the Wilmot Proviso, but for this forbearance they are required to be content with a state of things which as effectually excludes slavery from those Territories as if the bill contained the proviso in express terms.

The difficulty of devising measures of legislation suited to the condition of the Territories which we have acquired, and acceptable to the people of the different sections of the Union, results, in my opinion, chiefly from the extreme zeal, violence, and passion, with which erroneous opinions have been inculcated, by political partisans, in the non-slaveholding and slaveholding States of the Union. There is a struggle between these two classes of States for political power. At present, the Union consists of thirty States, in one-half of which slavery exists; and each State being entitled by the Constitution to two Senators, there is, therefore, in the Senate an exact balance of power between the slaveholding and the non-slaveholding States. The territory which we have acquired from Mexico is sufficient in extent to form, when it shall be peopled, several new States; and as these shall be slave States or free States, so will the preponderance of political power be determined in this Government. And this I apprehend is the true source of the sectional controversy that now afflicts the country. In the North the opinion has been constantly propagated that prohibitory legislation was necessary to prevent the extension of slavery and the formation of additional slave States; while in the South it has been urged with equal zeal that such indeed would be the result, but for the obstacles interposed by Northern agitation and the threat of hostile legislation.

In my opinion, causes which exist,—and which legislation cannot change, make it impossible for slavery to obtain a permanent foothold in the Territories acquired from Mexico. The character and sentiments of the people who now inhabit them, and who are likely to emigrate thither—the character of the country, its soil and climate, all conspire to make such a result impossible. A recognition and candid admission of this truth by the North and the South would, it seems to me, moderate the irrational excitement which exists on this subject in both sections, and remove one of the principal causes that now embarrasses this Government, and disturbs the public tranquility.

When I say that slavery will be forever excluded from the Territories which we have acquired from Mexico, by causes that exist independent of Congressional legislation, I am only repeating an opinion which has heretofore been expressed by the late Secretary of the Treasury, Mr. R. J. Walker; by Mr. Cass, in his Nicholson letter; by the late Secretary of State, Mr. Buchanan; and by Mr. Webster, in his recent great speech in the Senate; and I think I am safe in saying, that I am only uttering a truth which every intelligent man in this Republic believes, who has examined the subject with the purpose of arriving at correct conclusions. I am supported in this opinion also, by the Committee of Thirteen which reported the Compromise Bill, as the following extract from the report accompanying that bill will show:

“The bill for establishing the two Territories, it will be observed, omits the Wilmot Proviso on the one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new Territories. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force as soon as such Territory were admitted as a State into the Union. There was never any occasion for it, to accomplish the professed object with which it was originally offered. This has been clearly demonstrated by the current of events. California, of all the recent territorial acquisitions from Mexico, was that in which, if anywhere within them, the introduction of slavery was most likely to take place; and the constitution of California, by the unanimous vote of her convention, has expressly interdicted it. There is the highest degree of probability that Utah and New Mexico will, when they come to be admitted as States, follow the example.”

Mr. Chairman, if I have succeeded in establishing the positions I have assumed, in any degree proportionate to my own deep conviction of their truth, the conclusion will follow, that in deciding the comparative merits of the several measures now under consideration in this and the other end of the Capitol, we ought to be governed, not exclusively by our individual opinions of the specific provisions of those



measures, but that our estimate of their adaptation as remedies for existing evils ought to be in a great degree influenced by the favor and support extended to them by the Representatives of conflicting sentiments and opinions. When the various matters in controversy between the Northern and Southern sections of the Union were referred by the Senate to a committee, composed of Senators eminent for talents and patriotism, and selected, in equal numbers, from the two great political parties, and from the slaveholding and non-slaveholding States, the hope naturally arose in the public mind, that the high character of that committee would impart an influence to its recommendations that would take these questions out of the vortex of party politics, and commend its recommendations to the general acceptance and approval of the whole country. This expectation has not been realized. Since the report of the committee the Senate itself has been converted into a scene of discord—an arena of sectional strife. Southern Senators oppose the report of the committee because it yields every thing in controversy to the North, and, on the other hand, Northern Senators oppose it because it yields every thing in controversy to the South. Its supporters in the South obviously intend to assume that it secures the admission of slavery into the Territories acquired from Mexico, whilst it is equally obvious that its Northern supporters will assume that it excludes slavery from those Territories. Can a measure susceptible of such contradictory construction tranquilize the public mind and restore harmony to the Union? If it be passed into a law by Congress, is it not to be feared that the same conflict of opinion which has marked the debate in the Senate, will be transferred to the popular forum, in the North and South; and that protracted agitation, and deeper and more dangerous sectional excitements, will be the consequence? In the midst of this conflict of opinion, it now hangs suspended in the Senate—no man claiming to be able to foretell its fate. Should it receive such modifications as to make it pass the Senate, is it not to be apprehended that, when it comes into this Hall, it will encounter the same fate which every attempt heretofore made to establish Territorial governments for our Mexican territories has encountered? Will not some ardent “Free Soiler” rise in his place, and move to amend, by attaching the Wilmot Proviso, prohibiting slavery in those Territories? And will not that proposition, as heretofore, command a majority of the votes of this House; and will not increased sectional exasperation and excitement follow as a consequence? It was undoubtedly well founded apprehensions of this kind, that induced the President to recommend Congress to confine its action, for the present, to the admission of California into the Union as a State, and leave the residue of territory to the government of existing laws and the temporary governments which have been established.

This recommendation of the President contemplates the early admission of New Mexico, as a State into the Union, and refers the question of the existence or non-existence of slavery therein to the decision of the people, when they form a State constitution, preparatory to their application for admission. He recommends the North to waive the proviso, so offensive to the South, and he recommends the South and the North mutually to consent to a reference of the question in dispute between them to the decision of that tribunal which, in the last resort, must have jurisdiction, whatever plan of temporary adjustment may be adopted by Congress. He recommends a “compromise” which gives a triumph neither to the one section nor the other, and which requires neither section to sacrifice its principles, its pride, or its rights. The fact having been developed by repeated unsuccessful attempts, that Congress cannot, by any act of legislation, adjust the question in dispute to the satisfaction of the parties to that dispute, the President recommends them to refer its decision to that great American principle which recognises the right of every political community to choose and decide for itself what shall be the character of its institutions and laws.

But it is urged that there were irregularities, informalities, departures from established usages, in the proceedings in California, which resulted in the formation of a State constitution and an application for admission into the Union, that constitute sufficient grounds for rejecting her application. These objections are so trivial

that I will not waste time in refuting them. No one entertains the expectation that California will be remanded into a territorial condition, and the question of her admission is merely a question of time. It may be delayed, but cannot and ought not to be prevented. More plausible objections are urged against the early admission of New Mexico into the Union as a State; one of which is, that the population, unaccustomed to self-government, is not sufficiently civilized and intelligent, to comprehend and perform the duties that would attach to them as a State. I admit the force of this objection, and frankly declare that, but for the peculiar circumstances under which we are to act, I would be in favor of holding New Mexico to a long period of territorial pupilage, before admitting her as a State into the Union; but when we compare the evils which may result from her admission as a State, with those likely to flow from a prolongation of present difficulties, they sink into insignificance. Gentlemen from the slaveholding States found their opposition to the early admission of New Mexico upon the assumption that the sentiments and opinions of that people are sufficiently known to make it certain that they will incorporate a prohibition of slavery into their constitution. Admitting the truth of this assumption, it does not constitute a sufficient reason for rejecting the policy which I am advocating. I have already expressed the opinion that the same result would ultimately obtain, whatever may be the legislation of Congress; and a brief postponement of that result would not compensate for the evils likely to flow from a continuation of the strife and agitation which now distracts the country. And, as the people, when in convention to form a State constitution, can alone finally decide the question which is the cause of that strife and agitation, every consideration of policy, having reference to the harmony and stability of the Union, urges most powerfully its immediate reference to them. Let the people of New Mexico decide the question to suit themselves, and whatever their decision may be, the people of the United States will acquiesce. If they adopt a constitution prohibiting slavery, what right will the Southern States have to complain? If they adopt a constitution which establishes slavery, what right will the Northern States have to complain? The North and the South will recognise the right of New Mexico to decide conformably to her own convictions; and whether that decision shall accord with the preference of the one or the other section, they will acquiesce; and their patriotism will signally rebuke any attempt, by those who are hostile to the Union and seek its destruction, to make the decision of New Mexico, on this subject, conducive to the accomplishment of their traitorous purposes. It is a feature in the plan of adjustment recommended by the President, which more than any thing else commends it to my support, that it settles, by the only mode practicable, finally and forever, this unhappy controversy between the North and the South, and puts an end to sectional agitation on that subject.

Having expressed my approval of the policy recommended by the President, I feel myself called upon to answer another objection urged against it; which is, that by its adoption the United States would fail to redeem the obligations incurred by the treaty of Guadalupe Hidalgo. The ninth section of that treaty provides that—

“Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, **SHALL BE INCORPORATED INTO THE UNION OF THE UNITED STATES, and be admitted at the proper time** (to be judged of by the Congress of the United States) *to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution*, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction.

Now, I think it is a manifest truth, that the policy recommended by the President to admit California as a State immediately, and New Mexico at an early day, more fully and completely redeems our treaty obligations, with respect to those Territories, than any which has been suggested. But it is contended that this policy leaves the people of those Territories, during the time preceding their admission into the Union as States, subject to the tyranny of military government; and that it is, therefore, repugnant to American ideas of liberty. Surely those who urge this objection have not read the official documents which have been communicated to Congress,



and laid upon our tables. It was the boast of Mr. Polk's administration that it had, while the war with Mexico was yet raging, waived the rights of conquest, as defined by the law of nations, and generously given to California and New Mexico civil governments, instead of subjecting them to the rigors of military law.

Nothing like military government exists in either of those Territories. The military arm of the United States is there to protect, not to rule. The Secretary of War, in his annual report, referring to the delicate duties imposed upon the army by the peculiar state of things existing in California and New Mexico, says, "one of its assigned duties is to aid civil functionaries, when required, in the preservation of public tranquility;" and, in a communication addressed to General Reily, acting civil governor of California, dated June 26, 1849, he says:

"It is equally true that all laws existing and of force in California at the period of the conquest, are still operative, with the limitation that they are not repugnant to the Constitution and laws of the United States. In my opinion these constitute the whole code of laws now of force in California. I should add, that this opinion does not infringe on the right of communities to make necessary regulations for the police and security of persons and property. Such regulations must necessarily be temporary, as they are presumed to be voluntary, and designed to meet emergencies and difficulties which the sovereign power will take the earliest occasion to remove."

General Reily, writing to the Secretary of War, under date of August 30th, 1849, says:

"Before leaving Monterey, I heard numerous rumors of irregularities and crimes among those working in the *placers*; but, on visiting the mining regions, I was agreeably surprised to learn that every thing was quite the reverse from what had been represented, and that order, and regularity were preserved throughout almost the entire extent of the mineral districts. In each little settlement or tented town, the minors have elected their local alcaldes and constables, whose judicial decisions and official acts are sustained by the people, and enforced with much regularity and energy."

Colonel Washington, as acting Governor of New Mexico, writes to Mr. Marcy, Secretary of War, under date of November 8, 1848, as follows:

"The system of government now in force in New Mexico is that which was established in 1846, and embraces what is commonly termed Kearny's code, to which the people, through their representatives lately assembled in convention, have happily expressed their assent, as will be seen by their memorial to Congress, and it is considered adequate to the wants of the country, until another can be founded."

These extracts, from official documents, conclusively show that our Mexican Territories are not subject to military government in the obnoxious sense of that term. Pre-existing laws have not been superseded by martial law; judicial tribunals have not been superseded by courts-martial. General Reily describes "each little settlement or tented town" as a miniature democracy, making laws adapted to its condition, and administering them by agents chosen by the people; thus giving protection and security to "life, liberty, and happiness," and gloriously illustrating the capacity of man to enjoy and exercise the great right of self-government. Although it is true that the duties of civil Governor of New Mexico have been devolved upon a military officer, it does not follow, as a consequence, that the people of that Territory are subject to a *military government*. It would be quite as logical to conclude that the people of the United States are subject to a military government, because the Chief Magistrate of the Republic is also commander-in-chief of its army and navy!

Mr. Chairman, let California be admitted into the Union, and the cause which distracts the national councils will be vastly diminished in magnitude, and the public mind will tranquilize in a corresponding degree; and thereupon a state of sentiment and opinion in the country will ensue, which will enable Congress to adopt such measures, with respect to the residue of the territory acquired from Mexico, as may be necessary and proper, without the apprehension of dangerous excitements and convulsions in the Union. But though I believe the legislation recommended by the President to be the safest and wisest for the country, all things considered, yet it is not my purpose obstinately to withhold my support from any other plan of adjustment which, repudiating the Wilmot Proviso, offensive to the people I represent, can command such confidence and support from the Representatives of Northern and Southern sentiment and opinion, as to inspire a reasonable confidence in

its capacity to put an end to sectional agitation, and restore harmony and fraternal feeling to the States of this Union.

Mr. Chairman, when the combination of causes which have prevented the recommendation of the President from receiving a fair and just consideration in the two Houses of Congress shall be fully comprehended, the mists which now dim the public vision will dissipate, and it will be seen and admitted that it is a recommendation founded in a wise appreciation of the difficulties that surround the subject—a recommendation worthy of one whose deeds, under the flag of his country, have carried its military glory to the farthest confines of civilization, and whose patriotism, *bounded by no sectional lines*, is co-extensive with the limits of that great Republic, which, justly appreciating his merit, has made him its Chief Magistrate. And notwithstanding the extraordinary efforts that have been and may be made, to force the adoption of some plan of adjustment differing from that recommended by the President, yet it is by no means certain that these efforts may not be defeated by the same causes that have hitherto proved fatal to legislation on this subject. Aside from the fact, admitted by all, that a large majority of Congress are in favor of admitting California as a State into the Union, nothing is settled, nothing is known, nothing can be foretold; and it may so happen that the question will at last be narrowed down to the admission or non-admission of that State. At an early period of the session, the honorable gentleman from North Carolina, (Mr. CLINGMAN,) anticipating this as a possible occurrence, threatened that the minority would, in such event, defeat that measure by demanding the ayes and noes on motions to adjourn, and motions for calls of the House, and by constantly alternating and repeating these motions, consume the entire session of Congress, preventing thereby, not only the admission of California, but also the passing of those appropriation bills indispensably necessary to carry on the Government. And the honorable gentleman very distinctly intimated, that to accomplish this object, as a last resort, a Bowie knife tragedy might be enacted on this floor, reducing the members of this House to a number, below a constitutional quorum. This would be rebellion in its worst form—a factious attempt by a *minority* of Congress to usurp that control over legislation which the Constitution confers upon a *majority*. Should the contemplated contingency arise, I trust the majority of this House will not be frightened from its propriety by this offensive appeal to its fears, but that it will maintain its constitutional right to control legislation with calmness, dignity, and firmness; and, avoiding all disorderly and unbecoming exhibitions of excitement, it will, if needful, adjourn from day to day, even to the end of the session, that public opinion and the ballot box may come to the rescue, and properly rebuke so daring and reckless an assault upon the fundamental principle of republican Government. But I trust no such necessity will arise. I have respected and esteemed the honorable gentleman from North Carolina so much, that I cannot otherwise regard his declarations than as an ebullition of excited feeling, rather than evidence of a settled purpose. I am sure that his self-respect, and his love of country, will make it impossible for him to attempt the execution of a threat, made in the heat of debate, and unsanctioned, I hope, by his subsequent calmer reflections.

Mr. Chairman, we are so constituted that we often resist the conviction and admission of unpalatable truths, even when they stand revealed to our mental vision in unmistakeable reality. The equilibrium of political power, which has heretofore been maintained between the slaveholding and non-slaveholding States of the Union, will presently be a fact “consigned to the receptacle of things lost upon earth;” and the preponderance of political power under this Government will pass, never to be regained, to the non-slaveholding States. In my judgment, the best interests of this Republic require, that this truth should be frankly declared by public men, and recognised by the people. It is a truth which raises a question the gravest and most important that any people were ever called upon to consider and decide. That question is, *shall the Union be maintained or dissolved?* Is it wiser for the Southern States to quietly acquiesce in this inevitable transfer of political power to the



Northern States, and trust for *their safety and the security of their property* to the justice and patriotism of their co-States, and the guaranties of the Constitution, “or to take arms against a sea” of *apprehended dangers*, and, by dissolving the Union, seek security and safety in the organization of a Southern confederacy? “To this complexion it must come at last” *This is even now the real question.* I have, in a preceding part of my remarks, endeavored to show what—and whose policy has destroyed that equilibrium of power, the destruction of which now creates so much anxiety in the slaveholding States; and it is needless for me to repeat what I have already said upon that subject. I submit to the results of a policy, the consequences of which I foresaw, and which I labored in vain to defeat. I will trust to the guaranties of the Constitution, and to the justice and patriotism of those who are henceforth to wield the power which it confers. Not until this reliance fails, will I permit myself to look to a dissolution of the Union as a remedy for existing evils, or those which are apprehended. I am a citizen of a slaveholding State—I am the representative of a slaveholding constituency—and come what may, in connexion with this subject, their fate shall be my fate, their destiny my destiny. Identified with them, and bound to them by all ties that are sacred and strong, I declare it as my opinion that, while the happiness, welfare, and liberty of all the States are involved in the maintenance of the Union, the Southern States are pre-eminently interested in its preservation. And if my voice could reach the slave-owners of the South, I would tell them that the Union is the only effective safeguard for the security of that peculiar property with regard to which they are now so anxious; and, if I could, I would proclaim to them, “in a voice of sevenfold thunder,” *that those are practically their worst enemies who counsel them to any course of action which tends to its destruction.*

Mr. Chairman, it must be a source of happiness to every man who loves his country to perceive that, although speeches of a sectional and inflammatory character have been for six months sent forth from this Capitol, and scattered broadcast over the land, their effect seems to have been to tranquilize rather than excite the public mind. The people pause, as well they may, when the vortex of disunion and civil war is opened to their view. They refuse to volunteer or be impressed into the service of disunionists. They will not enlist under that banner. They will not march to that music. They have given unmistakeable evidence that they are devoted to the Constitution of their country, and that they are determined to sustain and uphold the Government bequeathed to them by their ancestors, and make it, in all time to come, what it has been in time past—the beacon light of liberty, guiding the nations of the earth to political redemption, as the star of Bethlehem guided to the Redeemer.









2345

15

HASTINGS COLLEGE OF THE LAW.



ADDRESS

OF

S. CLINTON HASTINGS,

FROM CHAIR OF COMPARATIVE JURISPRUDENCE,


TO

GENERAL ASSEMBLY OF THE STUDENTS

OF THE

UNIVERSITY OF CALIFORNIA,

November 10th, 1880.



SAN FRANCISCO:  
BACON & COMPANY, PRINTERS.  
1879.

72.016

## Comparative Jurisprudence.

---

GREAT changes have taken place in modern development, not only in the law and its remedies, but also in instruction and interpretation conforming with social progress and civilization.

It is the history of these changes, with thorough legal analysis, which constitutes the science of Comparative Jurisprudence.

A late writer on this subject says, "the lawyer studies what the law is; the legislator what it ought to be; and the jurist is he who studies what it has been, what it is, and what it ought to be.

Law Jurisprudence was never cultivated by the Greeks as a science, before the loss of their independence. The world is indebted to the Romans for the first scientific cultivation of the law.

How far our ancestors (says Cicero) excelled other nations in wisdom will be perceived by comparison with the works of Lycurgus, Draco, and

Solon. For it is incredible how rude and almost ridiculous every system of law is except that of Rome. "*Incredibile est enim quam sit omne jus civile prætor hoc nostram inconditum ac pæne ridiculum.*"

By the Romans, *lex* is defined as the written or *the* law as applied to some special case, or limited in its extent, and *jus* as all law written or unwritten.

The great mass of the law, which has much to do in regulating the actions of human beings, has no penalties, nor power to enforce them, such as *Jus gentium*, *Lex natura*, *Lege Divino*, etc.

We have now to discuss only those laws which have penalties, practically to be applied by human agencies; nor is it proposed to enter into the metaphysics or science of the law, but how best to learn how to teach the Science of Jurisprudence.

The Romans were not only the originators of this science, but they were the most eminent.

Their jurists and expounders were the patricians in the times of Cicero, and for several centuries the Emperors, Prætorian Præfects, and a vast multitude of Sub-Præfects throughout the whole Roman world, became entitled to this eminence.

The proud status of the Roman lawyer became



established on a firm basis, and the *corpus Juris Romanus* carried with it the importance of Roman Jurisprudence until it was crushed by the downfall, or rather disintegration, of the Roman Empire. From the deleterious effects on the law, and the consequent prostration of the dignity of those whose names come down to us as authors and teachers, this science has never been restored. This may be accounted for if we contemplate the fact that in the most cultivated modern civilized nations law instruction is neglected, and sinks into insignificance compared with the culture of this science amongst the Romans.

From Alexander Severus, for about 400 years, the Emperors were themselves instructors in this science, culminating in the works of Justinian, and those great jurists who adorned his court.

See the Institutes, the Pandects of Tribonius and his associates, and other works now extant, and constituting only part of the system of Roman Law.

Justinian and his predecessors of 400 years were not merely lawyers and jurists, but they took personal interest in instruction. They founded great Schools of Law, and personally advised and instructed young men, and offered them rewards, and gave them to understand, as a

stimulus, that they should receive honors and wealth.

The Emperor Constantine, the first Chief Magistrate of the Roman Empire who sanctioned the Christian Religion, not only undertook to eradicate from the minds of his subjects a false religious faith, but after a reign of twenty-five years, he “deplored the venal and oppressive administration of justice,” and expresses the warmest indignation “that the audience of the judge, the dispatch of business, delays, and final sentence, were publicly sold, either by himself or the officers of his court.”

But at this time, says Gibbon, Constantinople was excepted from the jurisdiction of the Prætorian Præfects, on account of its claim of superior importance and dignity; and then followed the only remedy, viz., Schools of instruction in Roman Jurisprudence, until—

“All the civil magistrates were drawn from the profession of the law. The celebrated Institutes of Justinian are addressed to the youth of his dominions, who had devoted themselves to the study of Roman Jurisprudence; and the sovereign condescends to animate their diligence, by the assurance that their skill and ability would in time be rewarded by an adequate share in the government

of the republic. The rudiments of this lucrative science were taught in all the considerable cities of the east and west; but the most famous school was that of Berytus,\* on the coast of Phœnicia; which flourished above three centuries from the time of Alexander Severus, the author perhaps of an institution so advantageous to his native country. After a regular course of education, which lasted five years, the students dispersed themselves through the provinces, in search of fortune and honors; nor could they want an inexhaustible supply of business in a great empire, already corrupted by the multiplicity of laws, of arts, and of vices. The court of the Prætorian Præfects of the east could alone furnish employment for one hundred and fifty advocates, sixty-four of whom were distinguished by peculiar privileges and two were annually chosen with a salary of sixty pounds of gold, to defend the causes of the treasury. The first experiment was made of their judicial talents, by appointing them to act occasionally as assessors to the magistrates; from thence they were often raised to preside in the tribunals before which they had pleaded. They

\* The splendor of the school of Berytus, which preserved in the East the language and jurisprudence of the Romans, may be computed to have lasted from the third to the middle of the sixth century. (Heinecc. Jur. Rom. Hist. p. 351—356.)

obtained the government of a province; and, by the aid of merit, of reputation, or of favor, they ascended, by successive steps, to the *illustrious* dignities of the state. In the practice of the bar, these men had considered reason as the instrument of dispute."

We will now for a moment consider what befel the Science of Jurisprudence on the approach of the great moral cataclysm which buried out of existence Roman power and civilization for over six hundred years.

What was the status of the law and its votaries, at the commencement of this sad epoch?

I hope the lawyers of these times will not consider the following short quotation from Gibbon as personally applicable to themselves, for we know that there are many exceptions who should stand as guides for the students to imitate when called to the Bar. Gibbon, (after whom I follow for my historical facts,) says:

"The noble art, which had once been preserved as the sacred inheritance of the patricians, was fallen into the hands of freedmen and plebeians, who, with cunning rather than skill, exercised a sordid and pernicious trade. Some of them procured admittance into families for the purpose of fomenting differences, of encouraging suits, and of preparing a harvest of gain for themselves or



their brethren. Others, recluse in their chambers, maintained the dignity of legal professors by furnishing a rich client with subtleties to confound the plainest truth, and with arguments to color the most unjustifiable pretensions. The splendid and popular class was composed of the advocates, who filled the Forum with the sound of their turgid and loquacious rhetoric. Careless of fame and of justice, they are described, for the most part, as ignorant and rapacious guides, who conducted their clients through a maze of expense, of delay, and of disappointment, from whence, after a tedious series of years, they were dismissed, when their patience and fortune were almost exhausted. What a fall was here, from the pinnacle of legal fame, when it was said in the fourth century, 'many camels might have been laden with law books.' "

Is history repeating itself?

We will now leave the happy period of the ascendancy of the law, when civilization and luxury were in their most intense vitality throughout the whole Roman Empire, comprehending the entire civilized world, and all the remote provinces, constituting all Gaul, Great Britain, the German nations, and kindred races. During the period of the evolution of the barbarian races, it is well

known that the Phœnicians were active colonists. They followed in the wake of Roman conquest, and established their systems of commerce, which were the life and soul of civilization, and remain so to this day.

The Phœnicians, stretching along the Adriatic, established Law Schools in all their cities and villages, amongst the most renowned of which was the one at Berytus, before mentioned.

From these schools went swarms of lawyers with the followers of the Prætorian Præfects, and planted in the conquered provinces the standard of Roman Jurisprudence, which passed over the great gulf called the dark ages, never to perish while the world stands.

It is interesting to note the presence and activity of lawyers in all rising nations, emerging from barbarism to civilization and power. Even Peter the Great, after having commenced his career of reforming a vast Empire of almost savage races, and after having uttered the celebrated denunciation that he had but two lawyers in his great Empire and intended to decapitate one of them, within ten years had two thousand lawyers.

Peter was a little irregular in his social habits, and in his drunken orgies he is said to have murdered any human being who happened to offend him, and on one of these occasions remarked that

he could reform a vast nation, but could not reform himself. But his little family of two thousand lawyers did reform him at last.

So much for the past; but now for the *status* of the legal profession.

To the public press and an almost unanimous public opinion I must refer for a definition of the deplorable condition of the once honorable standing of the great class of human beings designated lawyers, in this country.

The science of special pleading is now abolished. The skirmishing process of instruction in the high schools, by which a superficial knowledge is objectively obtained; a limited glance at the codes which comprise nearly the whole *corpus legis*; digests of judicial opinions, comprising nearly all of what should be in the opinions themselves, if reasonable brevity had been observed by the authors who promulgated them under judicial sanctity—enable our smart young men, with a few weeks or months of application, to stand an examination of a few minutes' duration before the Court, and to obtain a parchment with a broad seal of the Supreme Court, as the highest evidence that they are lawyers.

How to get rid of these phylloxera, these pestiferous *insectivora* of the law, commonly known as shysters, is the question. Can we destroy them,

these swarms, at the present time so prolific? Only by preventive remedies; and it is the object of this institution to afford the relief required. It is not, as is generally believed, a school for the education of lawyers. For if we are to credit the founder, it is a Department of the University of this State, for the education of all classes of our young men who intend to pursue some intellectual avocation.

The importance of a knowledge of this science to our judges and lawyers is apparent; so we may say of the law-makers, and statesmen: for says Cicero, in his Commonwealth, "This statesman of ours should have studied the science of Jurisprudence and legislation; he should have investigated their original sources."

Moribin says, in his notes on *Cicero de Legibus*: "The most casual glance at society will convince us that the majority of false measures, and mistaken points of honor—without reckoning the erroneous ideas and reasonings which disgrace those who use them, and fatigue those who listen to them—are owing to voluntary ignorance of those great principles of law, which belong not merely to one particular profession, but affect the interests of all."

"The Science of Jurisprudence," says Sir James Mackintosh, in his discourse on the Study of the



Law of Nature and Nations, "is certainly the most honorable occupation of the understanding, because it is most immediately subservient to the general safety and comfort. There is not, in my opinion, in the whole compass of human affairs, so noble a spectacle as that which is displayed in the progress of Jurisprudence; where we contemplate the cautious and unwearied exertions of a succession of wise men through a long course of ages, withdrawing every case as it arises from the dangerous power of discretion, and subjecting it to inflexible rules; extending the dominion of justice and reason, and gradually contracting, within the narrowest possible limits, the domain of brutal force and arbitrary will "

Does this science produce litigation? Cicero says: "It is not so much the science of law that produces litigation, as the ignorance of it."

Burke, of whom, as has been before said of Cicero, was "*gravissimus et dicendi, et intelligendi auctor et magister*," says: "The Science of Jurisprudence is the pride of the human intellect." While Dr. Johnson says: "Do you presume, sir, to find fault with that study which is the last effort of human intelligence acting upon human experience?"

Moribin further says: "This treatise of the laws, composed by Cicero, is one of the most valuable

monuments which antiquity has bequeathed to us"; and that—

"As respects this study of Public Law, the time we take in learning it is well spent, and no good reason can be alleged to excuse us from attending to it. We know that in the commerce of civil life—in the management of military affairs—at the bar, the court, and the mart—whether we play an active part on the stage of life, or whether we are mere spectators—this knowledge of public law is pre-eminently important and serviceable."

And to define the present state of the science of the law in England, and the United States, I still quote from the eminent commentator on Cicero: "Legal philosophy is slighted and unrewarded, while legal practice, however erroneous, is profusely paid for. The consequence is so plain and palpable, that it has struck most of the French, German, and Italian writers on the subject, who say, 'Britain has no jurists, but she has lawyers in abundance.'"

From the foregoing, it would seem unnecessary to make an appeal to the men of wealth of this country to cause their sons to be educated in the Science of Jurisprudence as taught in this College.

This is a free school. No money is required for instruction (with exception of a small pittance for class expenses). No contributions nor endowments are asked for.

This College shall stand so long as government and civilized society shall exist.

As a corollary to all I have submitted for the consideration of the students of this University, and especially of the Law Department, let there be, in a well-governed state, a comparatively small number of lawyers. Let all men of culture, in agriculture, banking and insurance, mercantile pursuits (foreign and domestic), and all the mechanic arts, be learned in the Jurisprudence of their own and foreign countries. Then there will be less litigation, better legislation, and a wiser and more conservative Judiciary.















Early Pasadena Impression

16.

---

---

# PASADENA LIBRARY.

---

---

ADDRESS DELIVERED BY C. T. HOPKINS, BEFORE THE  
ART LOAN EXHIBITION, FEBRUARY 18TH,  
1889.

---

---

*Printed by the Library Society.*

---

---



# Pasadena Library.

---

THE PASADENA LIBRARY AND VILLAGE IMPROVEMENT SOCIETY was organized in 1883, on a small scale, adapted to the ability and needs of the then sparse and poor population. About \$1,700 were invested in a frame building located on a lot hired for twenty years at a nominal rent, from the Public School Trustees, and some 800 volumes were placed upon its shelves. The demand for reading soon far exceeded the capacity of the infant institution to supply, and the number of books was gradually increased by the aid of public fairs and entertainments.

In the spring of 1886, when the rapid rise of real estate consequent on the inpouring of immigration began to demonstrate that Pasadena was about to grow into a city, the School Trustees sold their entire property at auction. As the library lot was encumbered with an unproductive lease heaving yet 17 years to run, the Society was able to bid in the title for the nominal sum of \$170, and within a year thereafter it sold the lot for \$10,000.

Purchasing a smaller lot on Dayton street for \$1,500, to which the building was removed, the Trustees advertised for the donation of a suitable large lot on which they proposed to erect a permanent brick or stone building, to cost about \$25,000. Several offers were made, the Society accepting that of Charles Legge, of Pasadena, who offered the lot on the Southeast corner of Raymond avenue and Walnut street, 160 feet on Raymond by 150 feet in depth, then valued at \$16,000. This lot he bonded to the Society for two years ending Dec. 31st, 1888, on the conditions that the Society should by that time have erected thereon a brick or stone library building to cost not less than \$25,000, and should have paid for it; that it should have no power to encumber the property by mortgage or to alienate it or use it for any other than the intended purpose; in

default of which conditions the property was to revert to Mr. Legge or his representatives.

Plans were then obtained and contracts let for the construction of a beautiful stone edifice in the Romanesque style. The internal finishing was not contracted for, the entire available resources of the Society being exhausted in paying for the walls and roof, which, as the building now stands, have cost \$20,000. This cost has been defrayed out of the proceeds of the two lots owned successively by the Society and by individual subscriptions.

The hard times following the reaction from our late "boom" having made it utterly impossible to obtain further contributions from the residents of Pasadena, Mr. Legge has kindly extended the time for another year, ending Dec. 31st, 1889. About \$5,000 is required to finish the building—in default whereof it will become the property of Mr. Legge, should he see fit to assert his rights, and the Society will then be stripped of all its property except the books upon its shelves.

For the purpose of raising money in aid of this struggling enterprise the month of February, 1889, was signalized by the inauguration of an Art Loan Exhibition in the new building. This was kept open for ten days, and owing to the ingenuity and industry of the friends of the institution was exceedingly creditable both to the lady managers and the city, and yielded a limited profit to the Library; but it was so limited (owing to the great expense of fitting up the unfinished building for the purposes of the Exhibition) as to fall far short of the requirements of the Society.

During this Exhibition, Mr. C. T. Hopkins, who was the president of the Society, pending the inauguration of the new enterprise, and the largest contributor to its funds, delivered the following address at the request of the Trustees. The address was preceded by remarks from Prof. Pickering of Harvard, who informed the audience concerning the proposed erection of a monster telescope on Wilson's Peak, at whose base Pasadena is situated.



## Address.

---

### *Friends of the Pasadena Library:*

You have heard from Professor Pickering the details of the grand project for erecting the largest refracting telescope in the world on the summit of our Wilson's Peak. In only the fortieth year of the American occupation of this glorious State, we of Southern California are not content with our share in the distant University at Berkeley, nor with its celebrated Lick Observatory; but have become ambitious to build up a great institution of learning of our own, and to supply it with a larger telescope, at a higher elevation, and among more favorable atmospheric conditions than those of even the Lick Observatory.

Step by step the march of evolution, amid the wondrously favorable conditions of this coast, develops human progress more rapidly than ever, or in any other region. We excelled first of all in gold, then in silver, then in wheat, in fruit, in the produce of the vine, in shipping, in railroads and certain manufactures. Meanwhile we have been gathering from all civilized lands the young, the enterprising and the ingenious, the very choicest elements of the race, from whose intermingling and attrition we are evolving a population soon to be, if it is not now, the equal of any other in freedom from prejudice, in sound public opinion, in active work, in love of education, in true religious feeling, in jurisprudence, in music and other fine arts, and in all the amenities of a select society of manly men and womanly women. Such is, or soon will be, the world's idea of the people of California, including even the eastern born population of Pasadena. For have not we too "builded even better than we knew" when, within fourteen years after the planting of our first orange groves—thinking then only of ease and retirement under this charming climate and amid our lovely scenery—we have attracted the travel and admiration of the whole country, built up a world-renowned little city, and

secured the co-operation of "Old Harvard" in making our Wilson's Peak the future centre of astronomical discovery.

Do we know what the big telescope means for the future of Pasadena? Under a free government cities are seldom the creation of human intention. They grow according to ungovernable but all-governing law. You cannot make a town to order. Some of us know this to our cost! But it grows of itself, where or how, or how great, who can predict with certainty? Pasadena is not a sea-port. It has no outlying trade, no mines, no forests, not much agriculture. It is not a railroad center. It has nothing to expect from manufactures on a large scale. Its pioneers never dreamed or intended that it should become a city. Why then does it exist? What has gathered its present population in so short a time? By what means is its future prosperity to be promoted?

It seems to me, with all due deference, that Pasadena exists and has attained its present phenomenal growth solely by reason of its climate and scenery, and proximity to a large city like Los Angeles, all of which attract those of the wealthier class from eastern cities, to whose health the climate is necessary, and whose culture and accomplishments adapted to and requiring the conditions of city life have reproduced themselves in those institutions which attract neighbors of the same character. It has therefore become a delightful place of residence for people of wealth and taste, and in this respect it differs greatly from all other settlements on this coast. Everything about it is peculiar, and *suigeneris*, and the sooner we recognize our real conditions, and learn to labor, first and foremost, in the paths we have so successfully trod without knowing or intending the result, the sooner will our prosperity return and increase. Every family of wealth and refined taste that settles among us adds more to the general weal than one hundred transient proletariats. The necessary labor will always follow where capital builds and improves; but where no wages can be earned, laborers cannot live. Yet to establish manufactories here, other than for fruits, were it practicable, and were it to fill

the town with operatives, would destroy the charms of the place for the very class to whom it owes all it is and from whom it must expect its future increase. To our Raymond, our railroads, our schools and churches, our stone sidewalks, our Orange Grove avenue, our Painter, our opera-house; and last, but not least, our little library, we owe our past and present. To the great telescope we shall be largely indebted in the future. For this is to be a supreme effort in the line of highest culture. No other telescope is located 6000 feet above the sea, or in an atmosphere so free from unfavorable conditions. No other refractor has an object lens so large as forty inches. A good wagon road will bring it within ten miles of Pasadena, while the Lick observatory is twenty-three miles from San Jose. A mountain railroad will undoubtedly reduce the ten miles to five, and bring the observatory within an hour of the Carlton. When this railroad shall be supplemented by a large hotel on the summit will not such combined attractions multiply by ten the heaviest travel that has ever yet visited our city? The name of Pasadena will become a household word in every educated family, in every scientific centre, and in all leading periodicals. The connection of "Old Harvard" with this diagonally opposite corner of the Union will bring Bostonians among us—perhaps enough to outnumber even our Marshalltownians of Iowa—and where Boston goes she carries with her enterprise, capital, intelligence, progress, and all that makes the highest American development.

Under these conditions Pasadena will become the California home par excellence of the class which forms a large part of its present population. Artists, authors, teachers, and retired business men, will find here the refined society to which they have been accustomed, and all the accessories of varied culture which characterize seats of learning elsewhere. Doubtless a branch of the University of Southern California will be located here, near the great observatory. This library will be filled with books and curios—an object of interest to all literary minds—the stimulant of the teeming brain that cannot live

without communion with the embalmed thoughts of the great and good.

Let us therefore anticipate and prepare for the new prosperity, which in two or three years will be focussed in our little city through the great lens on Wilson's Peak. Let us so increase and distribute our water supply as to be able to irrigate and cover with our semi-tropic greenery the whole of the splendid mesa on which we live. Let us provide instant means for extinguishing fires. Let us complete our sewer system, and line our streets with shade trees. Let us utilize the fruits so easily raised, but hitherto so recklessly wasted. Let us improve our communication with Los Angeles, so that with hourly trips, rapid travel and cheap fares, thousands can live in Pasadena while earning their living in the larger city. Let us learn how to prevent intoxication without excluding the great majority of intending immigrants who dislike sumptuary laws, and refuse to live under them. And let us find means, right here and now, to complete this temple of literature, the most beautiful and convenient in design of any library building west of Chicago; the center brilliant in that jeweled tiara of institutions which constitutes the real "Crown of the Valley."

Citizens of Pasadena, let it be no longer said that after one of yourselves, the broad-minded Charles Legge, has bonded to this society the splendid lot on which the building stands, valued at the time at \$16,000, on the sole consideration that the building should be erected and paid for; and after \$20,000 have been raised and expended, the whole venture stands in danger of loss for want of \$5,000 more to finish it. As you know, the time within which it should have been completed expired with the year 1888. Mr. Legge has kindly extended the time till the end of 1889, but if the contract be not then complied with, nor any immediate prospect exist of its fulfillment, Mr. Legge or his heirs will own the building erected upon the land and the Library Society will be left without a dollar! Can there not now be found among you one liberal soul,



who can and will advance that \$5000, and so save to the institution the \$36,000 now at stake? If not one such, cannot two be found, who will contribute \$2500 each, or five of \$1000 each, or ten of \$500 each? You will doubtless reply "that the boom is over, that the voice of the speculator is no longer heard in the land, and the tenderfoot is not now seeking a burial place for his coin, that your spirit is willing but your bank account is weak."

Turn we then to the stranger within our gates, and say to the millionaires who are not yet library builders, but who have started for heaven via the Raymond Hotel: "Gentlemen, Pasadena has put \$36,000 into this beautiful building, as its highest expression of reverence for literature and art. Times are very hard with us, and we can do no more. For want of \$5000 we stand in jeopardy of losing the whole. The society is forbidden to mortgage the property. Will not some one or more of you come over and help us? Our book room is large enough for 50,000 volumes. We have but 2400. Will any of you add to this number? We have in private hands four large collections, in mineralogy, geology, conchology and archæology, ready to be placed on exhibition in our museum as soon as it is finished. We have an Academy of Sciences ready to arrange and utilize them. For every book of the right kind you place upon our shelves we will furnish six readers per annum as heretofore. When we have 5,000 to 10,000 volumes the 2,000 pupils in our schools will have the means of continuing their education; and the many sick strangers among us will be enabled to while away the long hours of convalescence with pleasure and content. The blessings of all these will be showered on your heads."

Will none among our wealthy visitors listen to this appeal? Are there none among you ladies, you who read so many books, you who have shown such zeal and worked so hard to make for the Library a few dollars by this magnificent exposition, who can and will present our petition in the right quarters, and with the same proportionate success that has crowned your present efforts? I pause for your reply.





*MR. H. N. RUST, who has faithfully labored in the service of the Library as one of the Trustees ever since its organization, and is now its efficient President, is exceedingly anxious to procure sufficient subscriptions to its stock to complete the building within the extended time. He is empowered to solicit the aid of the friends of such enterprises, whether resident in Pasadena or elsewhere, and the Trustees respectfully ask in his favor the kindly consideration of all to whom he may apply.*

<i>W. F. CHANNING, JOHN VANDERVOORT, SHERMAN WASHBURN, L. C. WINSTON, B. MARSHALL WOTKYNS, C. F. HOLDER,</i>	<i>} Trustees.</i>
--	--------------------



ORATION

OF

HON. C. H. JOHNSON.

DELIVERED BEFORE THE

San Luis Obispo Grange,

PATRONS OF HUSBANDRY,

SATURDAY EVENING, APRIL 12TH, 1874.



# ORATION

OF

## HON. CHARLES H. JOHNSON,

Delivered before the San Luis Obispo Grange,  
P. of H., on Tuesday Evening,  
April 7th, 1874.

---

Ladies and gentlemen: I come before you this evening to speak upon a subject as old as society itself. Although an important subject, nevertheless, to place it in such a light that it may appear interesting to an audience, is not an easy task. For it seems trite, as it has been treated for thousands of years in every conceivable manner, and by every conceivable grade of intellectual ability, from the highest flights reached by genius, down to the dead level of mediocrity. Hence, I will be forced this evening to throw myself upon your generosity to excuse my short-comings.

The subject is agriculture, which lies at the basis of all human progress. Indeed, it is the very foundation upon which was reared the mighty edifice of civilization, beautified by the splendid addition, and the gorgeous coloring of the XIXth century.

The first savages who with stones and burnt sticks turned over a little ground to plant a garden, pointed out to the human mind the only road to improvement. This small but eventful commencement of a great work stimulated others to seek better instruments; the success of these encouraged others again to pursue the same course of improvement. Thus mankind advanced in the career of progress step by step, slowly through long periods, which are classified by archeologists as the Stone and Bronze Ages, from the materials which composed the implements of war and industry used by man. In the Bronze Age, man first

fairly emerged from the savage state, by the discovery of the art of smelting copper and tin and adding a peculiarly hard alloy (the knowledge of which, I believe, is now lost). Human ingenuity then invented many and various instruments—swords, shields, plow-points, chisels, axes, &c. This, indeed, is the true era of civilization; for mankind then assumed their normal position in the scale of creation, by forming communities and living under uniform laws.

The Peruvians and Mexicans, at the time of the discovery of this continent, were found to be living representatives of the Bronze Age, which had been superseded in the Old World by the last great Age of Iron, as far back as pre-historic times.

In the dark forests of Yucatan, are the ruins of several ancient Toltec or Aztec cities, showing that a high state of civilization had been reached. Exquisite marble vases were found scattered amidst fallen columns and broken statues. The buildings were composed of hard granite, which had been hewn and polished with red copper axes and chisels. Some of these instruments were found lying near unfinished blocks. The Tezcuicans, a people of the Aztec family, found in Mexico at the time of the conquest by Cortez, excelled all other people or races of the New World in refinement of taste, and in the knowledge they had attained in the mechanic arts and agriculture. They also showed some proficiency in the exact and speculative sciences.

Peruvian civilization bore many points of resemblance with the Aztec, or Mexican, which were sufficiently marked to show that the origin of these races was probably the same. The Temple of the Sun, at Cuzco, was the most magnificent structure in the New World. The ruins of the fortress and palace of the Incas still attest the skill the Peruvians had attained in architecture. The walls are of stone, the blocks measuring thirty-eight feet in length by eighteen broad and six feet thick; they are so nicely adjusted that the blade of a penknife cannot be inserted between the edges, although no cement was used. "We are still surprised," says Prescott, "when we reflect that these blocks were cut from quarries and transported sixty miles, by a people igno-



rant of the use of iron and without the aid of beasts of burden."

There was a law in force in Peru at the period we have been considering, which I earnestly commend to the careful consideration of every bachelor in the country, and particularly to those who advocate female suffrage. The law declared that every man, not an invalid, should marry at a certain age. A lot of land and a dwelling was then assigned him. An additional portion was granted for every child. [Laughter and applause.]

Every nation, whether of ancient or modern times, which has made a durable impression upon the fortunes of mankind, fostered and encouraged agriculture beyond all other arts, and made it the basis of national prosperity. England is a notable example. Although the most commercial and industrial nation of the earth; "It appears," says D. J. Browne, in his communication to the Department of Agriculture, in 1857, "from the returns of her income tax, that the net revenue of all her manufactures and commerce, and of all her personal capital, does not exceed by two-thirds the net revenue derived from her agriculture alone. From this single fact, we may infer the degree of pre-eminence which should be attributed to the agricultural element of national wealth." The Chinese, Chaldeans, Egyptians, Greeks, Carthaginians and Romans, held agriculture in highest estimation. From remotest times it has been customary in China, for the Emperors at the celebration of the new year, to take hold of the plow-handle and mark a furrow in presence of the people. The agriculturists in China rank higher than the followers of all other industrial pursuits. An early Roman tradition declared, that warfare and agriculture were the only honorable occupations of a citizen. The highest meed of praise that could be given to an illustrious character in the palmy days of the Roman Republic, was, that he was a careful and judicious husbandman. It is the subject of the works of eloquent writers of ancient and modern times. Hesiod, Xenophon, Theophrastus, among the Greeks; Pliny, Palladius, Columella and Varro, among the Romans, wrote works on rural economy. Virgil added dignity and grace to agriculture, which he adorned with

the brilliancy of his poetical genius, in the *Georgics*, a poetical description of agricultural pursuits. Varro expressed a beautiful sentiment, which Cowper afterwards incorporated into English poetry :

“ God made the country, but Man made the town.”

One fact in history stands out in bold relief. It is, that as long as nations encouraged agriculture their progress was uninterrupted, and their safety secured : but as soon as an opposite course was adopted, in neglecting, and oppressing it with heavy burdens of taxation, their road to irretrievable ruin was fairly marked out. [Applause.] The neglect and oppression of agriculture precipitated the fall of the Roman Empire—the mightiest political organization the world ever saw, for it embraced all the civilized nations of the earth. The farms of Italy had been neglected before the reign of Vespasian, who attempted to check the evil by introducing salutary reforms, in holding out inducements to farmers to settle on the deserted or unoccupied lands ; in removing exactions, and appointing agriculturists to high public positions. But his measures effected only temporary good. His projected reforms died with him, and under his successors agriculture throughout Italy speedily decayed. The cultivators flocked to the metropolis, where they were entertained with gladiatorial exhibitions, and supported by the gratuitous distributions of corn by the government to keep down seditions. The gigantic scale of these distributions of corn oppressed the provinces of the Empire, from whence they were drawn chiefly in the form of tribute.

Upon the dismemberment of this mighty Empire, European society became enveloped in the darkness of barbarism. Anarchy had then full sway. Indeed, the writers of that age state, that all unity, all civilization disappeared. That thousands confidently believed that the end of the world was near at hand. The rush and roar of contending influences warring to the death, all government, all order lost, society dismembered and its elements heaving and tossing in the wild sea of anarchy, amidst the noise of endless wars. Such is the picture the writers of the period have transmitted to us. But

their conclusions were erroneous. Society is indestructible. It was not approaching its end, but undergoing a purification. The effete and corrupt civilization of Rome had been shattered into a thousand fragments. New and active elements were in process of coalescing with the debris of ancient civilization, from which was evolving, slowly and painfully, the Feudal System, which is the basis and starting point of modern civilization. The feudal system effected a salutary change in the then existing condition of society. Before its establishment, the conquering hordes which had overthrown the Roman Empire, roamed from country to country, or at times massed in great cities. But this system divided them into innumerable fragments. It will not be necessary for me to enter into a minute description of a political institution which is now so generally understood. I will simply sketch its outlines, and point out the important bearings it had upon the fortunes of the race, in shaping the elements of modern civilization.

European society, as I before stated, seemed to have been on the verge of dissolution:—to so low a stage was the civilized world reduced by the repeated inroads of barbaric hordes, issuing from northern Europe and the wild steppes of northern and central Asia. In taking a retrospective view of society from the present standpoint, feudalism at the time of its adoption, observes Guizot, seems the best political system that could have been devised at that important juncture, to save the race from the depths of barbarism, or what is equally as bad, the hopeless slavery of Asiatic despotism. To this system, with all its glaring defects, society is nevertheless indebted for many salutary influences. One of the most important is the impetus it gave to the full development of the individuality of man. It likewise gave birth to elevated ideas and encouraged generous and ennobling sentiments. It stimulated the cultivation of all the fine sensibilities of our nature. And by elevating the female sex, and demanding for them that devotion and deference which chivalry enjoined, and which is one of the chief characteristics of our present civilization, it bequeathed to society that elegant polish, which has tended so much to reform human nature, and to

make home-circle the most attractive spot on earth. Such, in fine, are the chief benefits which society owes to this singular institution. On the other hand, we must admit that it was inimical, if not destructive, to social order. Resistance was easy, as there was no central power with sufficient strength to enforce obedience. It was a rough outline of the federative system of government, which is the most complicated of all political systems, requiring, on account of its complexity, a high state of civilization in man, to properly adjust and regulate the distributions of power. Where feudalism prevailed, everything was in a partially abnormal condition. Nothing was regular—no standing army, no fixed taxes, no uniform system of laws. There was almost constant resistance to authority. The proud holder of a lordly fief, felt secure in his castle, surrounded by his retinue of knights and armed retainers, and could frequently bid defiance even to an Emperor.

The rise of the free cities of Europe in the XIIth century was the cause of the decline and final ruin of feudalism. Commerce was the active agent, which by widely distributing wealth; and disseminating democratic ideas, attracted the disaffected from the estates of the nobles, and thereby undermined their power.

The church was the great civilizing agent of this period. Possessing the only institutions of learning, and all that remained of Greek and Roman civilization, she wielded a powerful influence in the social system, which, to her credit, was almost invariably used in behalf of humanity, in expelling barbarism, in defending the oppressed, in effecting the gradual emancipation of slaves, and in imparting knowledge and developing the human mind.

As soon as feudalism declined, society began to assume its present form—the government and the people. Before this change occurred, the feudal nobility, the municipalities or cities, and the church, had been governed by their own laws like independent States, the sovereign exercising a merely nominal authority over all. So then, from the light which history affords us, it would seem evident that the civilization of this age, nay, further, and even our present system of government here



in this republic, have grown out of a union of the chief elements of the feudal system with the principles of freedom evolved by the municipalities, refined by the humanizing influences of christianity.

It is an established axiom in political economy, that the welfare of nations depends upon their productive forces. But it is equally clear to the understanding that unless the political institutions of nations, social, economical and administrative, favor the agricultural element of society, these forces will languish or remain dormant, and communities will either retrograde or creep slowly and painfully along through dreary ages. During the whole of the period of European history which we have been considering, the agricultural and consequently the industrial element of society remained stagnant. Agriculture, the "Nursing Mother of Nations," the basis of all wealth, of all arts and industries of man, and consequently of all human progress, was neglected and discouraged, and as a profession, held in disesteem. Before the reign of the Antonines, the cultivation of the soil in Italy had been either left to slaves and strangers or entirely abandoned. And under feudalism the farmers of Europe were serfs, who could not alienate themselves from the land, but were sold with it like trees and hedges. They were also termed villians. Whatever may be the derivation of this word, whether from the latin word "villacus"—a farmer—or the French "ville,"—town or village, it was soon used as an epithet of reproach, which farmers in more enlightened times shifted to the shoulders of the most abandoned class in society.

The neglect of agriculture in Italy, and the exactions which were imposed upon it in the provinces, hastened the ruin of the Roman Empire. A similar policy under feudalism kept the masses of the population of Europe for ages in a semi-barbarous condition, which are aptly enough termed the "Dark Ages."

Historians point out to their readers many apparent causes of the decline and fall of nations. Extended dominion, increase of wealth, luxury and vice, the depravity of the masses, corruption of rulers, intestine broils and the sudden appearance upon the stage of a

more vigorous and warlike race. These causes are all purely superficial or secondary. The true cause is passed over unnoticed or casually alluded to as one among many others. If we read history aright, we will discover that all the evils which nations in every age suffered and finally succumbed to, when traced to their source, sprung almost invariably from one sole cause, that is, the wilfull neglect of the great "Nursing-Mother of Nations,"—agriculture. *That* can give health to the body politic, energy to the popular mind, and never fails to inspire virtue, patriotism, the love of independence, honor, knowledge and religion in the hearts of her votaries. Her temple embraces the whole earth, its dome the heavens, illumined by countless suns, that send their steady radiance charged with the vital principle, millions of miles through the dark depths of space to minister to her wants, and to lighten the labyrinthine paths of her wondrous laboratory. There we find all the subtile elements of creation at her command. Thē chemic, electric and magnetic forces of nature aid her; the geometry of the heavens aid her; the blue waves of the ocean send up their vaporous contributions on rays of light to aid her; and that spiritual exhalation of matter which we term the beauty of nature, hovers over all her work.

When we reflect upon the properties of matter, the wonderful results of the various combinations of its atoms, the mind is apt to become bewildered and the imagination staggered. We see it now producing the tender blade of grass, or the wild flower that blooms alone in its loveliness; kissed by starlight dews, and adorned with the brilliant coloring imprinted by the rays of the morning sun. Now, the feathered songsters of the grove; now the leviathan of the deep; now the blushing fruits of fragrance tinted with varied hues; now the angelic beauty of woman's form and face, and now the wily serpent, carrying fascination in its eye and venom on its tongue. And thus proceeds the eternal cycle of the minute particles—to-day in one form, to-morrow in another. While matter itself remains unchanged, it is continually presenting an infinity of forms by the variety of its combinations. And as it is the

same everywhere, infinite in space, infinite in its magnitude or minuteness, we find the same sleepless laws that preside over the growth of the wild flower or the tender blade of grass, defending from intrusion the orbit of the most majestic planet.

The beautiful ritual of the Patrons of Husbandry states that "Nature is in small objects what she is in great ones" that "there is no less harmony in the construction of a mite than in the elephant," and that "on the leaves of plants animals feed like cattle in our meadows, to whom the dew drop is an ocean without a shore, the flowers are their elysian fields, decorated with cascades and flowing with ambrosial fluids." If we are surprised when we learn that matter is infinite in its minuteness; that with the aid of the microscope, we are enabled to discover in a single drop of water or in the cavities of a grain of sand, worlds of animal life; what shall we say in regard to its magnitude? The improved telescopes of this age have disclosed to us stars so distant, that their light, traveling at the rate of two hundred thousand miles in a single second of time, must have required thirty millions of years to reach the earth; and yet these bodies are far from being at the limit of space. There is, in fact, no such limit. The law of gravitation, being universal in its operation over matter, a single reflection will convince us that no possible limit can be affixed to space, without resulting in the immediate destruction of the universe. Under this law, all bodies attract each other. In supposing, now, a limitation, there would be a common center of gravity, which would, necessarily, force a union of all matter, of all worlds in one body. That such a union does not happen, is conclusive proof that there are other worlds and systems of worlds still farther beyond those that are visible to us, that attract from without; and so forth, ad infinitum. "Every imagined limitation," says Buchner, "would render the existence of the world impossible;" and again, "If the laws of thought demonstrate an infinite divisibility of matter, and if it be further impossible to imagine a limited space or a nothing, it must be admitted that there is here a remarkable

concordance of logical laws with the results of our scientific investigations."

The universality and the immutability of the laws of nature are conceded by every intelligent person. Heat, light, motion and attraction, and the elements of matter, (as shown by the meteoric stones hurled from other worlds to this), are the same in every part of the universe. Sir John Herschell described the appearance of the planet Mars, as seen through a twenty-feet reflector, revealing with perfect distinctness the outlines of continents and seas. The former were distinguished by a reddish tinge. The seas, as they may be termed, appeared: greenish. Brilliant white spots, indicating the presence of snow, appeared at the poles, which disappeared when long exposed to the sun, but re-appeared when emerging from their long polar winters. Again, the spheroidal forms of the planets and the earth, are identical; which proves that they, like the earth, were once in a fluid and incandescent state, and went through, or are now undergoing, the same process of gradual development. After the earth had gradually cooled down, watery vapors were precipitated upon it, which submerged its crust. By the action of water, and the huge glaciers, which wore down and ground to powder the precipitous sides of mountainous peaks, the soil of the earth was formed. The waters then began to recede; endless forests appeared, which purified the atmosphere, by drawing off the superabundant carbonic acid, an element so deleterious to air-breathing animals. There has been a gradual development of the earth to its present condition, and with its progressive changes proceeded in about the same ratio the development of animal life. The plesiosaurus seems to have been the first attempt of nature to emerge from the period of fishes. It had the body of a whale, the neck of a bird, the head of an alligator. The lowest forms of animal life appeared first, then followed more improved forms, proceeding always in an ascending scale of development, corresponding with the gradual changes of the earth's surface. "The relics found in the earth," says Oersted, "exhibit a series of more or less developed forms, which succeeded each other, until the conditions were prepared in which



man, and an animal and vegetable world adapted to his existence, could subsist." And he further argues, that, as there is an identity of the laws of nature with those of reason, we must suppose an equality of the perceptive power in the universe; and as similar causes invariably produce similar effects, it is not inconsistent with reason to suppose that sentient beings, resembling man in his intellectual capacity, exist upon other planets.

I now propose to devote a short time to the consideration of the organization, known as the "Patrons of Husbandry," or Grangers; and to endeavor to demonstrate, in a few words, that the principles of the order are eminently conservative, that their scope is to practically encourage all other industries, by placing upon a firm basis, secure from attack, that upon which all others rest for support, namely, the entire agricultural interests of the country, from Maine to Texas, from the Atlantic to the Pacific.

No great measure can in this age, be carried out successfully, without first applying to it the principle of association or co-operation, which begets unity of action.

Hence, the formation of this order, which has for its objects :

First—The moral elevation of the farmer to a bright conception of the nobleness of his occupation; and to instill into him the necessity of bringing knowledge and understanding to aid him in developing the riches of nature.

Second—To restrict by moral force the inordinate power and influence of gigantic corporations, and to destroy, by the same means, all oppressive monopolies, whether railroad, manufacturing or commercial.

The third I would myself, lay down as an inference, or rather as a necessary corollary to a part of the foregoing,—to favor the repeal of all protective duties, and to advocate the principles of free and untrammelled commerce with the whole world.

I have before alluded to the principle of association, and affirmed that no great measure could be effected without its aid. But for it, we would have no great railroad lines spanning continents, no telegraph lines passing under stormy seas, nor no widely extended public charities.

Nevertheless, it involves many evils; it may dwarf the intellect by contracting, in too many instances, the sphere of individual action. It is apt to be swerved from its legitimate sphere, and be used as a means of oppression. It may undermine and finally destroy the liberties of a country. Hence, in all its phases, whatever shape it may assume, or however beneficial its objects may seem to be, it should always be narrowly watched and hedged in by the exercise of healthy public opinion.

Let us now for a moment consider some of the evil tendencies of this principle.

We see the great corporations with their ramifications extending throughout the country, and their power concentrated in the hands of a few managers. First in importance are the great railroad corporations. Their influence extends from the Atlantic to the Pacific; from the great lakes to the Gulf of Mexico. They control hundreds of millions of capital, and own territories larger than some European kingdoms. They dictate, or attempt to dictate, the legislation of States, and, at times, even of the Congress of the United States, through the members they themselves elect to those legislative bodies, assisted by gold, for the purpose of corrupting others. Next in power and in influence are the monstrous manufacturing corporations; equally corrupt with the former, but probably still more hurtful to the welfare of the country. These vast interests mutually aid each other; as it is of vital importance to both, that they retain their grasp upon the legislation of the country. This alliance has enabled a few manufacturing companies to levy a contribution upon the pockets of forty millions of people, to the great detriment of the country at large, and particularly to the farming or producing interest. Using sophistical reasoning, together with the golden wand of corruption, they fasten upon the country a prohibitory tariff, the last relic of barbaric ages, when the crews of stranded foreign ships were sold into slavery, and the cargoes confiscated. It is termed a system of protection. If this phrase is intended to have a universal application to the country, it is, unquestionably a fine piece of irony; for it has

not only placed a fictitious value upon innumerable articles of prime necessity to the masses, but has likewise nearly destroyed our merchant marine, which was, at one time, the pride and glory of the nation. Of all the fleets of magnificent steamers, plying daily between the Atlantic seaboard and Europe, not a single vessel of them is owned by an American citizen. This carrying trade alone, takes from the country thirty millions in gold annually. Nay, farther, in order to carry out in its fullest extent, this very peculiar system of protection, the law for bids us to purchase a foreign vessel and sail her under the flag of the country. This right is extended by the most despotic governments of Europe, Asia and even of Africa, to their subjects. I know that it is extremely difficult to make this subject intelligible; to place it in such a light that all the deformities and inconsistencies of the protective system may appear at a glance. I will apply another illustration. Should free and uninterrupted commerce be prohibited between the different sections of this vast country, no argument is necessary to prove that a greater calamity could not befall the nation. If a moment's reflection will convince us, that to our domestic free trade system we owe our present prosperity as a nation, how much greater would be that prosperity, should the same system be extended to the whole world, by means of treaties of reciprocity, which other nations, at times, propose to us, but which we invariably reject!

Freedom is the life of the nation. There is nothing in our constitution of our government, there is nothing in the spirit of our institutions, that favors this meddling restrictive legislation, which is always dictated by short-sighted, un-principled selfishness. Let commerce with the whole world be as free as the winds of heaven; we will then advance in prosperity as nation never advanced before.

This noble planet, poised in the blue depths of space, is our inheritance. It was given to us by the Creator, with the right to enjoy all of its productions, whether they be the natural fruits of the earth, the fruits of the industry of man, or the fruits of immortal genius; whether they be produced on the banks of the Ganges, the Indus, the Danube, the Seine, the Thames, the Am-



azon, the Mississippi, or in the valleys of California. Any legislation that impairs this right is tyrannical, and wars against the ordinances of Heaven. England, although the greatest manufacturing country of the world, first acted on this great principle; her present tariff being placed simply upon a few articles of luxury. She now ranks as the richest and most prosperous nation of the earth, and commands the commerce of the world.

Unrestricted commerce is the very corner stone of philanthropy. It destroys national prejudices; it aids in disseminating thought, knowledge, and civilization: and when adopted, as it surely will be by all civilized nations, wars will be heard of no more, and peace will reign on earth.

Indeed, it would seem to be our particular province to take the lead in all great social reforms, that could have a universal application. As a nation, we have youth, accompanied with undaunted spiritual energy. We possess an abiding faith in our grand mission; to effect by our example a social reform, destined to revolutionize, if we remain true to the trust, all the nations of the earth. Our mission is to publish to the world that Right is the only durable foundation of governments, that the idea of right involves the great principles of the natural moral law: justice, rectitude, philanthropy, the invisible ties that bind man to man, and which existed before all governments, that this grand idea of right recognizes the inestimable worth of man as an individual, created in the intellectual image of his Maker, and with capacity for almost indefinite improvement. And of consequence, that every human being should have the means of self-culture, of progress, in all that tends to expand the soul into an appreciation of its power and excellence, and its imperishable destiny.

Other animals than man, have, like man, both instinct and reason. They receive by the senses both simple and complex ideas, and compare them. But the power of generalization they lack; without which there can be no comparison of propositions, or facts; no deduction of inferences, nor sufficient knowledge to constitute them responsible moral agents. Hence, it is evident, that man alone has received the natural moral law, and that



power of mind, "that can comprehend the outward universe that cannot comprehend itself;" that can peer far into the starry dome of heaven, and read the immutable laws which regulate the movement of unknown worlds; that can feel the divine inspiration of beauty, whether moral or physical; that makes the elements subservient to its creative faculty; that can delve into its own spiritual nature, and paint the passions and show the workings of the human heart. And above all, and beyond all, that enables man to know the Creator by his works; the "firmaments pavilioned upon chaos."

The great moral responsibility of man, together with the creative force of his mind, and the subtle, far-reaching power of <sup>his</sup> understanding, which is forever pushing him onward, and upward, until he throws his thoughts far beyond this life, into the dim and shadowy future of another, are to my mind, the strongest arguments that can be adduced by pure reason alone in favor of man's immortality. Again, our mission is to publish to the world that any government that fails to recognize the inalienable rights of man is on anomaly, a fraud, and should be set aside for one more in accord with the dictates of reason; for one, in short, that rests for support upon the concurrence of the wills of individuals, which is the only rational government for intellectual beings.

If we are entrusted with so grand a mission, such as I have endeavored to represent to you, let us then rise to noble conceptions of our duty. Let us remember that to ensure success we must first set a noble example to the world. We must first cherish within our own borders all the great principles of the natural moral law, which alone constitute the spiritual life of a nation. Again, let us never forget that freedom is fighting her last great battle here in this republic. Not the battle of Marathon, which snapped asunder the bands of Asiatic despotism; nor the giant struggles of Fabius, which saved republican Rome from African subjugation, will compare in the magnitude of their effects upon the fortunes of the human race, with the result,

whatever it may be, of the conflict of opinion now raging in our midst.

I intend no figure of speech, when I say that the eyes of the world rest upon us, for it is almost literally true. The philanthropists—the friends of liberty, the oppressed and down-trodden of the earth,—turn towards us as their last and only refuge and hope, and are viewing with intense interest, the marshaling of the opposing forces. Corruption, fraud, perfidy and oppression, the elements of tyranny combined on one hand, and justice, right, truth, the immortal principles of liberty, on the other. We carry not Cæsar and his fortunes, but the honor, trust, confidence and hopes of the whole human family. Should we prove recreant and fail, the cry of millions would go up, resounding from the Himalayas to the Andes, that Sin had again conceived and brought forth another King of Terrors, second only to the first, who, when forth issuing, brandishing his fatal dart,—as described by Milton, “Sin, his mother, fled, and cried out ‘Death!’” Hell trembled at the hideous name, and sighed from all her caves, and back resounded ‘Death!’”

We have heard much, and we have read much of the dangerous vices of the multitude; how they caused the downfall of every republic, of every free government. But for my part, I fear not the people. History teaches us a different lesson: that governments fall by the vices of the great, and not of the obscure and lowly. The patricians of Rome precipitated the fall of that renowned republic, by first oppressing by vexatious laws, and then corrupting the masses. The tyranny and extravagance of Louis XIV., and the corrupt, licentious court of his successor, brought on all the horrors of the French revolution; and in our time, we have seen that the venality of the ministers of Louis Napoleon, together with his own unprincipled ambition, involved France in a ruinous war, which resulted in dismemberment of the empire, and humbled in the dust the proudest nation of the earth. And yet later, we saw a javelin dipped in the venom of corruption, then poised high, and aimed by a giant corporation at the vitals of this republic. The people saw, wondered, raised a cry of

indignation that palsied the traitor arm, and turned aside the dart, which missed its destined aim, but in its course, struck many a victim down, who now sleep, the sleep of political and moral death, beneath the Acheonic waves of "credit mobilier."

The great scroll of history, which has come down through the ages, is now being unrolled for our country's story. Let us see to it, that it may not be a shameful, but a glorious record. One that will send a thrill through the souls of unborn millions, of every race, of every clime.





2363 18.  
THE SAN FRANCISCO DISASTER—HONEST  
AND DISHONEST INSURANCE.

---

SPEECH

OF

HON. JULIUS KAHN,  
OF CALIFORNIA,

IN THE

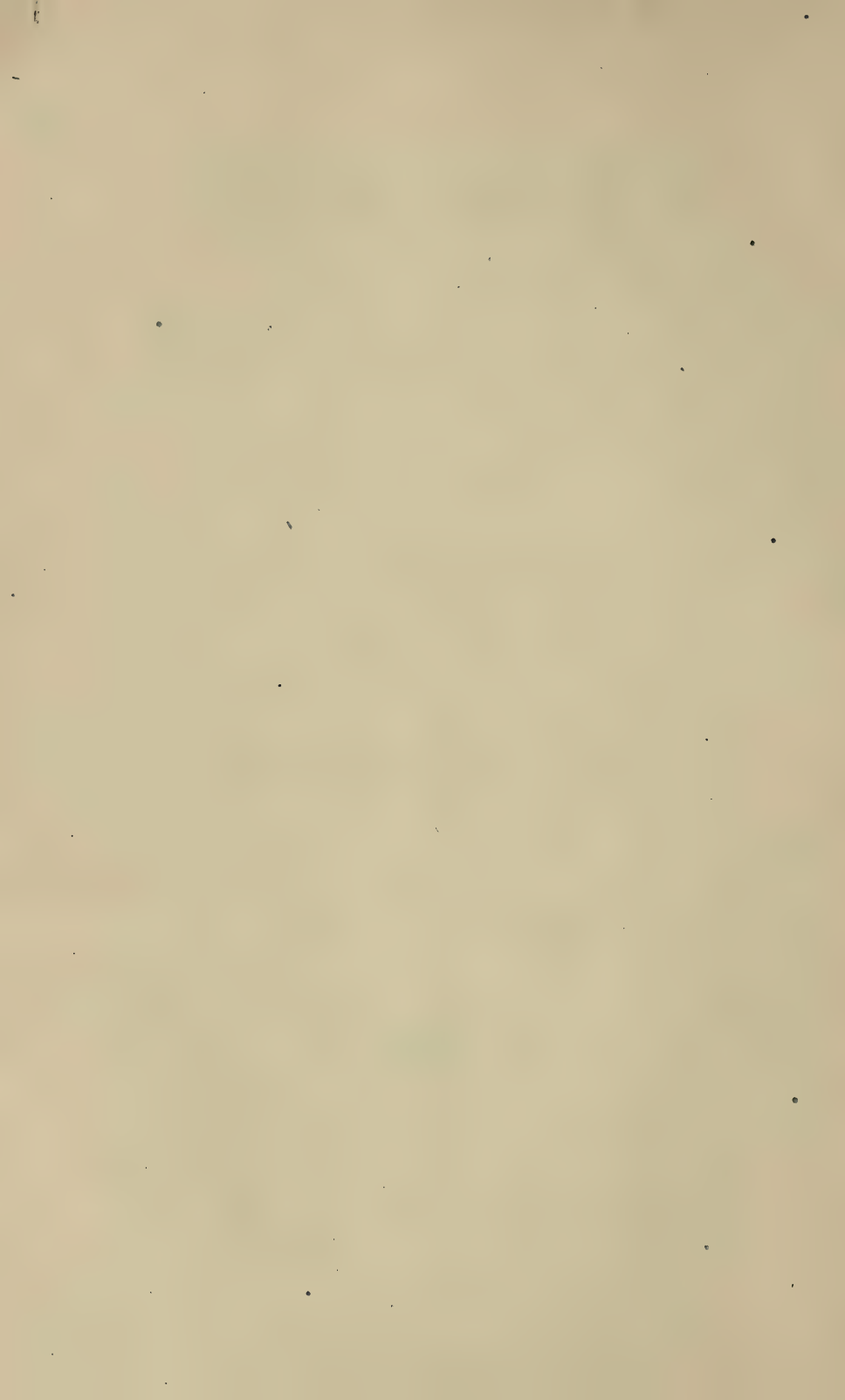
HOUSE OF REPRESENTATIVES,

THURSDAY, JUNE 28, 1906.



WASHINGTON.

1906.



SPEECH  
OF  
HON. JULIUS KAHN.

---

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—

Mr. KAHN said:

Mr. CHAIRMAN: On the 18th of last April the entire world was startled by the message which was carried by telegraph and cable to the most remote regions of the universe that San Francisco had been visited by an earthquake and that a fire was rapidly destroying the city. Much that was true and much that was untrue appeared in the press during that period. As a matter of fact it has been amply demonstrated that 95 per cent of the damage that occurred there was caused by conflagration. The earthquake did comparatively little damage, and except in those portions of the city where the houses were old and cheaply built and those portions where the ground had been filled in, the buildings were left practically intact and showed no signs of damage or injury as a result of the tremor.

Many of the tales of horror that have been chronicled as actual occurrences were mere myths and emanated from the imagination of some fertile minded and resourceful individual who little thought of the harm he was doing the stricken community by his exaggerations.

For instance, I saw newspaper accounts of a herd of wild steers that ran up Market street, the main artery of the city, and when they had reached a huge fissure that had opened in the middle of that thoroughfare the entire herd tumbled in pell-mell and forever disappeared from view. Now, everybody who knows anything about San Francisco is aware of the fact that cattle are never landed within miles of Market street; and as a matter of fact the huge fissure which was said to have engulfed the alleged steers never had an existence. I merely cite this as an example of the gross misrepresentations that occurred in many very reputable journals.

Then, too, there is a prevailing impression throughout the country that all of the water mains in the city burst, and therefore the firemen were powerless to cope with the conflagration. That is not the case. The main supply pipes—three in number, and each 44 inches in diameter—that conduct the city's water supply from Lakes Pilarcitos, San Andreas, and Crystal Springs burst about 10 miles south of San Francisco.

These pipes were carried on a trestle over what is known as the "San Bruno Marsh." During the earthquake this trestle collapsed, and as a natural consequence the pipes burst. So that the water, instead of continuing to flow into the various reservoirs that are located on the heights of San Francisco, was spilled upon the marsh, while the city's reservoirs were soon emptied by reason of the backward flow of the water through the very pipes that had been feeding these reservoirs. I mention these facts because I believe the country should know the truth about the catastrophe.

Indeed, Mr. Chairman, to show you how slight was the damage by earthquake let me cite the case of the gas companies. After conditions began to again resume a normal state the companies had a thorough survey made of their mains, pipes, and house connections. The work had to be done carefully and completely, and I recently saw an announcement that the San Francisco Gas and Electric Company had issued its statement to the effect that the company's entire damage from earthquake was only about 2 per cent. Why, sir, if it had not been for the fire all traces of the earthquake would have been completely effaced in less than ninety days. But the conflagration was probably the greatest in the history of the world. The great fire of London in 1666 burned an area of 463 acres. It has been recorded in history as one of the world's great calamities. The fire at San Francisco consumed 497 city blocks; in other words, there were more blocks burned at San Francisco in 1906 than acres in London in 1666. The area destroyed by the flames in the metropolis of the Pacific is greater than the combined area devastated by the conflagrations of Chicago, Boston, and Baltimore. The burned district of San Francisco covers 2,560 acres of closely built-up homes, churches, schoolhouses, factories, business blocks, hotels, apartment houses, and other structures. Thirty-four schoolhouses were destroyed by the all-consuming flames. Nearly every library in the city, including the great free library, was laid in ashes.

On the night of April 18, 200,000 persons were homeless, and on the following night 300,000 souls slept in the public parks and military reservations, under the blue canopy of heaven. The scenes of individual sacrifice and individual heroism that were enacted during those days will never be adequately described. But, through it all, the courage of the people of the doomed city never forsook them. They were still imbued with the spirit of the Argonauts of 1849. Even while the fires were raging, our leading citizens, called together by Mayor Eugene E. Schmitz, were taking steps to insure the reconstruction of the stricken community.

And here and now I deem it but proper to pay a tribute to the splendid ability of San Francisco's mayor. Up to the time of his election to the mayoralty, about five years ago, he had never been in public life. He had been a leader of an orchestra for many years, but had not actively taken part in governmental affairs. But when the emergency occurred, he rose equal to the situation and gave another demonstration of the splendid dignity, the undoubted ability, and the sound, sober judgment of the American citizen under any and every cir-



cumstance and condition. Mayor Schmitz had been elected to office as the candidate of the labor unions. He had been assailed bitterly and persistently in our newspapers. But since the disaster of April 18, many of his bitterest opponents have become his most ardent supporters. And right here let me explode another canard that was published far and wide. I mean the story about martial law having been proclaimed. That story is pure fiction. The military authorities rendered magnificent services during and since the calamity. But in all they did, they acted in cooperation with and at the suggestion of Mayor Schmitz.

I said the military authorities rendered magnificent service. I am afraid that I but poorly express the debt of gratitude that the people of San Francisco owe to Maj. Gen. A. W. Greely, Brigadier-General Funston, Maj. C. A. Devol, of the Quartermaster's Department; Maj. C. R. Krauthoff, of the Commissary Department, and Lieutenant-Colonel Torney, of the Medical Department, as well as to the officers and men under them.

Within three hours after the earthquake, and while the fire was raging and spreading, the soldiers of Uncle Sam's Army were patrolling the streets of San Francisco, protecting property and life. While it is true that a proclamation was issued by the mayor that all looters would be shot on sight, the fact remains that not in a single instance was it necessary to enforce the drastic order. All the stories of men having been shot down by the regulars while the former were engaged in dismembering the bodies of their hapless victims in order that they (the thieves) might possess themselves of the jewelry and gewgaws of their prey are purely the creation of some fertile imagination. General Greely told me personally that not a single instance of the kind had occurred, so far as a strict investigation could determine.

Nor were the officers and men of the American Navy less active. They, too, rendered yeoman service in saving property and protecting life. But it is impossible, in the brief period allotted me, to mention all of the splendid army of officials and individuals who found no duty too hazardous in their efforts to stop the ravages of the onrushing flames. The Federal officials, in saving Federal property, risked their own lives and fought the fires with courage undaunted while all around them roared a sea of flame and smoke. That three out of the four Federal buildings in San Francisco were saved is the greatest monument to the courage and heroism of these men and their officers. The police and fire departments of San Francisco sought neither sleep nor rest during the more than sixty hours that the fire raged. We of San Francisco are proud of them; we know their loyalty, their devotion to duty, and we know, too, how splendidly they fought during those trying hours in the face of almost insurmountable obstacles.

As I stated before, it is impossible to give a full measure of praise to all that deserve it, because my time is entirely too limited. But the acts and the deeds of our heroes are written indelibly on the hearts and in the minds of the grateful people of San Francisco. And what shall I say of the gratitude that fills their hearts for all the sympathy, moral and material, that has been showered upon them, not only by their fellow-

citizens throughout these United States, but by all the peoples of all the world? I feel that I can but inadequately express their sentiments to the Congress, to the President and all of his Cabinet, to the governors and the citizens of the various States of our Union, to the mayors and the residents of the thousands of municipalities throughout our nation that heard the cry of San Francisco's distress, nor heard it in vain. The Southern Pacific and the Santa Fe railroads rushed supply trains into the stricken city on passenger-train schedules, and in all that city of houseless and homeless thousands there was none that wanted for food even from the beginning of the holocaust, and in a very brief period there was none that wanted for shelter. For all those who heard that cry we utter a fervent "God bless you."

And as a Representative in this House from the stricken city, I feel I should be recreant in my duty if I omitted to say a few words in regard to the manner in which her people acquitted themselves in the hour of their peril and distress. Every order, every command, every request that was issued by those in authority was obeyed to the letter. There was no murmuring; there was no whimpering.

Each man assumed his own burdens, and tried to cheer up those less fortunate than himself. For days the city was in absolute darkness at nightfall. For days the water supply was impaired. For weeks it was found inadvisable to start fires within doors, and all cooking had to be done in the streets. There was danger of epidemic from contagious diseases unless sanitary regulations were zealously enforced. Our people accepted all of these conditions cheerfully, hopefully, buoyantly. It was a return to the days of the frontier—to the days when we had a primitive civilization on the shores of the Pacific. Our property loss was probably the greatest in the history of mankind. As nearly as I have been able to learn the lowest estimate of the loss, the most conservative estimate, is \$350,000,000. Some estimates are as high as \$500,000,000. The question of insurance is a burning, vital question with the people of San Francisco at this time. I am informed that the amount of insurance carried on the destroyed property aggregated \$208,000,000. The splendid report emanating from the Judiciary Committee of this House and also the one from the Judiciary Committee of the Senate indicate that Congress has no jurisdiction over the question of insurance. It is perhaps unfortunate that such a condition should exist. I am told, and I learn from the San Francisco newspapers, that more than half of the insurance companies that have been doing business in that city for many years have announced that under no circumstances will they pay more than 75 per cent of their policies.

Some companies have repudiated their policies entirely, and I am informed reliably that only thirty-three or thirty-four companies have announced, up to the present time, that they would pay their losses dollar for dollar. The question of insurance is not alone of interest to the people of San Francisco, but to the people of the entire United States, and the people of the United States ought to know the names of those insurance companies that repudiate their policies and those that refuse to meet their just obligations. Mr. Chairman, when Congress re-

convenes next December, I hope to place in the CONGRESSIONAL RECORD the name of every insurance company that refuses to meet its just obligations in that city, in order that the people of the United States, the people who pay their premiums in the hope of recovering their losses in case of fire, may know the names of those companies that are unreliable and dishonest and that will not pay their obligations when the time comes for them to do so. Every person that carries a fire-insurance policy is interested in this matter. Every person is entitled to know and ought to know whether the company that collects its premiums from him is honest or dishonest.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Yes, sir; certainly.

Mr. MANN. Do these insurance companies that refuse to pay the full amount of the insurance make any claim that part of the loss was by the earthquake and not by the fire?

Mr. KAHN. They do not. As far as I have been able to learn, there have been about thirteen companies who had clauses in their policies to the effect that if the proximate cause of the fire was some act of God, such as an earthquake, then they would not be responsible, and one of those companies, up to the present time, has announced frankly and candidly that it will take advantage of that clause and will refuse to pay any of its losses. Now, of course, that will lead to a legal fight probably, but that is the only instance that I know of where a company has fallen back on some clause in its policy. About sixty of the other companies have simply signed a compact, as far as I have been able to learn, saying that under no circumstances will they pay more than 75 per cent of the amount due under their policies.

Mr. MANN. Without regard to any claim of justice at all?

Mr. KAHN. So I have been informed. Now, mark you, there were only about 117 or 118 companies doing business in San Francisco. So that 50 per cent of all the companies have declared they intend to repudiate their contracts. If they persist in that intention, they ought to be exposed thoroughly and fully. The insurance commissioner of California, Hon. Myron E. Wolf, will prepare an official list of the honest and the dishonest companies in the near future. I feel that as a Representative from that city, which has suffered so much and to which the loss of this insurance money means so much, I ought to make known to the people of the United States and to the entire world, for that matter, the name of every honest company and the name of every dishonest one. [Applause.]

Sir, the people of San Francisco are doing all that mortal man can do to recover from their present misfortune. The labor unions of the building trades promptly declared that there would be no demand on their part for an increase of wages, and that for the time being they would work nine hours instead of eight. Temporary structures are being erected everywhere. But we need this insurance money, and we must have that which is rightfully and justly due us.

And so, Mr. Chairman, we shall continue to hope for a settlement of this vexatious question. The people of San Francisco are determined to rebuild their city, to recover from their present misfortune. They come of that stock that does not know

the meaning of the word "fail." They will build anew, and they will build better and stronger and firmer than before. They have the most magnificent harbor in the world. They have a climate that knows neither the extreme of summer's heat nor winter's cold. They possess a soil that will produce anything that grows on the face of God's footstool. They have unbounded, undying faith—faith in the future of their glorious State and their beloved city, and they will work constantly, earnestly, loyally, and uncomplainingly to rear their stricken city from her ashes. [Loud applause.]

6941



1325

---

---

# SPEECH

—OF—

DR. JOHN E. KUNKLER,

—AGAINST THE—

Resolution to Reorganize

—THE—

REPUBLICAN CLUBS

—OF—

SAN FRANCISCO.

---

---





At a meeting of the Republican County Committee of San Francisco, held on the evening of May 16th, President J. B. F. Davis announced that he had appointed the following named as a special Committee, to devise a plan to re-organize the Republican Clubs: Geo. W. Dixon, W. B. Farwell, J. A. Smith, D. S. Weaver and C. R. Franklin.

Geo. W. Dixon, on behalf of the special Committee, introduced the following resolution and moved its adoption:

*Resolved-* That the President and Secretary of each Republican club created under authority of this committee, be and they are hereby instructed to at once return to the Secretary of this committee the books containing the original and duplicate roll of member, for the use and information of the special committee appointed at the last meeting on formulating a plan for the general government of clubs and the revising of club district lines; also to furnish to the Secretary at the same time, a list of the officers and standing committees of each club, and until their report is made to this committee, further enrollment shall be suspended.

During the discussion on the subject, Dr. John E. Kunkler addressed the Committee as follows:—



# DR. KUNKLER'S SPEECH.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE :

I crave a few moments of your time to state my views upon the re-organization of the Clubs.

I have ever been content to not trespass upon the valuable time of the Committee, preferring to leave the discussions to abler minds, more experienced debaters, and those more familiar with parliamentary matters.

But as I deem this subject one of very vital importance to the welfare and success of the party, I should like to express my views upon the question.

In my judgment, it would be decidedly unwise and impolitic to make any change in the present adopted plan of the Committee, so far as the organization of the Clubs is concerned, or interfere in any manner with the machinery of the party, which has been so successfully put in motion by this Committee.

You have adopted a plan, after full and ample discussion, and mature deliberation has been had and numerous revisions made. The plan has, to any candid and impartial mind, worked satisfactorily and well ; no obstacle has been thrown in its way by any Club ; on the contrary, every Club has sustained and faithfully carried out your mandates to the last word, syllable and letter. Now, may I ask, why do you wish to disturb it? No good can come from it—possibly a deal of harm. Can there be a possibility that a chosen few have not obtained that which they sought?

Gentlemen, weigh well the chances and dangers you incur by your contemplated changes. *Let well enough alone*, especially as matters have worked so well and harmoniously. The great majority are fully satisfied with the present plan. I sincerely hope that no alterations will be made.

That a perfect plan can be drafted to suit and please every individual member of the party—no one expects, it being an utterly impossible task.

I am sincerely of the opinion, that the plan we have adopted, contains as few imperfections, as it is possible for this, or any other Committee to desire.

Every opportunity is offered for all who desire to have a voice in the selection of Delegates, to the several Conventions that may be held, to go and enroll themselves, on their respective District Club Rolls;—what more is necessary? Does it not fulfill every desirable end? It is the fault of the voters if they do not come forward and sign the Roll of their District Clubs, not any fault in the plan. Republicans throughout the city know this. There is a condition of surfeit and you may produce it, if you keep incessantly piling up laws, rules and regulations.

Your plan has been welcomed and praised, and dutifully carried out by the clubs you have organized.

I say in all sincerity, and after mature reflection, suggested by the past—be careful, lest by your contemplated actions you do not give birth to suspicions, that there is a desire in this Committee to centralize power in some direction;—that there is a little “solid circle” in the back-ground;—let your actions be open, frank and above-board, in fact, such as shall convince the party that you are acting as its honored trustees, placed here to carry out such work, as shall best subserve the wishes and interests of the party;—that whilst you are vested with certain power and authority you are not to proclaim yourselves dictators in the least sense, for the benefit of a few. Is it not wise to consider that the 5000 enrolled Republicans, have a voice in the matter of legislating for the government of the party. I fear you will make a mistake if you do not consult their wishes and consider their suggestions. The present organized Clubs constitute the nucleus of the Republican Party of San Francisco; and every voter who desires to obtain a political standing, in the party, so far as having a voice in the selection of Delegates to the several Conventions is concerned; is required to enroll his name on his District Club Roll; nothing more simple, and nothing, most decidedly the duty of every Republican. In this sense the clubs form the party, and we, are only the trustees of the party. What changes do you propose? open new rolls, re-appoint chairmen, and necessarily the enrollment Committee. That feature of appointment, was in my opinion objectionable to three fourths of the voters in the party, and contrary altogether, to the spirit and letter of party politics; but it was rigidly complied with by the Committeemen and graciously accepted by the Clubs. Do not deal with the members of the party, as if they were mere boys, who could not get their lessons; and had to be taught it, over and over again; no, treat them as men of intelligence and reason, and unless I greatly mistake the signs, these clubs will not forever patiently submit to eternal patching up of Rules and Regulations. It is getting to be a continuous dread and exclamation on the part of many Republicans: “What next, is the County Committee going to give us?” tell me; that this state of things will not finally engender distrust?—I say it is inevitable. What if these clubs, or a majority of them, who as I assert are the essence of the Republican Party of San Francisco should tire of this, and determine and conclude to assume charge of the party management. It requires no great gift of prophecy to foretell the result.

When has the party been better organized than at present? in no past preliminary election for Delegates has there ever been more general satisfaction; and what, pray, is there to prevent all future primaries from being conducted as harmoniously? let me kindly reiterate, don't try to improve on what is generally deemed to be good and as near perfect as can be devised to conduct a successful campaign.

Abraham Lincoln, our lamented and martyr President, is credited with saying: “that it was a bad time to swap horses when crossing a stream;”—I say it is a bad time to make any changes, when you are floating along smoothly on the stream; where thus far, you have met no shoals, or quick-sands; and no snags to speak of; and no probability of any; to obstruct your voyage, until you have safely and triumphantly anchored in the harbor of victory, ere the ides of November have dawned upon us.

No County Committee that I can now recall, has ever taken *more* pains, given *more* time, more fully discussed and digested, the best plan to adopt to satisfy the many, and to not particularly antagonize the few of

the members of the party;—but don't make any changes, I care not what the nature of the changes may be, if they refer to the re-organization and government of the Clubs; they will tend to dissatisfaction, dissensions and undermining of the fabric, you have erected.

A great many Republicans with whom I have spoken, deprecate any change in the Club organization and surmise that the proposition mentioned to have the Clubs correspond to precinct boundaries is a subterfuge, and means something else than appears on the surface. Language oftentimes conceals thought. For my part, I hope these surmises are not true;—but we must not forget that Republicans are reasoning men, and think for themselves, and generally of a high order of intelligence, and draw their inferences and conclusions from what they see and hear.

We hear gentle whispers in the air,—on the streets, of secret caucuses being held, by a little “solid circle,” who are, *it is said*, engaged in concocting schemes, all and singular, for the good of the party;—the better organization of the clubs,—adaptation of Club boundaries to Precinct boundaries, and what not? We hear also that only the “chosen few” are permitted to participate in these caucuses. I give it as hear say.

In the name of goodness, and decency, where are we drifting, if this should be so? All things come to light, sooner or later. Can that be the spirit that actuates the controlling power in this Committee? I hope this is not so. Do we desire a repetition of history? a modified form of the “Wars of the Roses,”—feuds and bickerings;—strife and jealousy, that should be avoided, and can be, if we will all act in a proper spirit of fairness, and be true to each other. It is an old, truthful and time-honored adage; “that there is no smoke, without some fire.” I should however be very loth to believe that there exists any little “solid circle” in this Committee, who are scheming for their own personal aim, and that if they can't rule, none other shall. But, while such may be my own individual opinion, it is not in my power to still the tongue of rumor. If there be a coterie within this Committee with such designs, let me here warn them that they are not only endangering their own political aspirations, but seriously jeopardizing the success of the ticket, in San Francisco at least. The history of the past amply fortifies this assertion. Again I implore and beg this Committee to not make any change, entirely unnecessary at this time, in my opinion; and I am not alone, in that opinion.

Govern your actions, as to disarm those who would pick a flaw in your work. Do not let it go abroad that there is the least taint of a close corporation within the membership of this Committee. If we would win we must act in concert. “Kentucky's,” motto is applicable;—“*United*, we stand;—*Divided*, we fall.”

My most ardent desire and hope is, that my remarks, shall be accepted by this Committee as coming from a sincere heart, and prompted by conscientious motives and impulses. We cannot all think alike, nor view things in the same light, even from the same stand-point. Should my views not be concurred in by a majority of this Committee. I shall not pant, or find fault, for of all men to be frowned upon, the inveterate fault finder heads the list. I shall however still believe, that I represent the views of at least four-fifths of the Republican voters of San Francisco, in opposing any projected tampering of the present plan of Club organization.



It should be our aim and endeavor to disabuse the minds of all who entertain any doubts about our sincerity, fidelity, devotion and conscientious desire to promote the welfare and success of the party. It seems to me very easy and practical, if, in the (to me, talismanic words) of my learned, industrious, zealous and indomitably persevering colleague of the immortal and only 29th, "*We dare, trust each other.*" Gentlemen, those words are full of great and pithy meaning. In all our discussions, we should ever bear them in mind;—in the consideration and deliberation of all matters brought before us, we should keep in mind those magic words: "*Dare trust each other.*" Gentlemen;—do we trust each other? If we cannot trust each other, then necessarily the reverse obtains, and then what is the probable consequence; dissensions and strife, jealousy and heated words, ending in an agreement to disagree; all because, one is afraid of the other.

Among the many good political sentiments that my immediate colleague has uttered in our deliberations, none have conveyed a more striking impression upon my mind, than those four magic words: "*Dare trust each other.*" Now gentlemen, in all candor and sincerity, prompted as I am here, by a pure and conscientious motive, heart-felt and true as man can be, I ask you, have we fully trusted each other? have we gone close unto each other, and communicated and confided to each other our inmost thoughts and views upon the political situation, and what was best to be done for the good of the Republican Party?

I wish, if it were for this occasion alone, that I was gifted with the forcible and impressive eloquence of the author of those four magic words, that I might engraven them upon your minds, as they are indelibly stamped on mine; that they might act as the rule and guide of all your political arguments.

Let us all be guided and governed by the true intent and meaning of those words, and I predict a stewardship on the part of this Committee to our constituents that will stand unparalleled in the annals of all past County Committees for harmony, peace, effectiveness, and sound political management. I firmly believe and trust that this Committee is actuated by truly generous, disinterested, self-sacrificing and patriotic impulses; that they wish to do what is right: just and best, for the good of the party;—but with all our best and most sincere endeavors, we cannot hope to entirely escape blame from some quarter or other. Let us strive however to give no cause; let us avoid so far as we can, antagonizing any element or faction, unless such, array themselves as obstructionists, wilful and malign—upon such, as trustees, and custodians of the interests of the party, it will be our bounden duty, to remind them, that their evil doings will not be countenanced or tolerated. Our admonitions however, should be tempered with kindness, and enforced by good logic and suitable arguments—strive to prove to them, that ours is a common cause, that we are all aiming at one object:—success of the party. Kindly admonition, persuasive argument and amicable conferences, are more effective in bringing about harmony, united work, and a solid front to the enemy, than harsh and bitter words, under the guise of argument.

Now, when everything betokens success to the party, when the outlook for victory is brighter than it has been for years in our state; when all, I say, augurs undoubted success, not only, for Municipal, but also Legislative and Congressional officers; don't I beseech you, jeopardize those wholesome benefits to accrue by any intended innovations in the already adopted plan of Club organization.



May wise counsels, and calm and considerate deliberation, ever prevail at our meetings, and peace and harmony characterize our debates and discussions.

If any complaints, protests or suggestions are presented to us for our action, we should review them, with calm consideration; fairness and justice to all parties concerned. Let not passion or prejudice sway us in our actions and judgments. Above all, let us be dignified in our demeanor, and courteous to each other in our deliberations, and impartial in our decisions. If such be our conduct, we shall have deemed, and will receive the due and just commendation of an appreciative and grateful constituency.

On motion of E. J. Wolfe, the resolution to suspend the operations of the present club system was indefinitely postponed, by the following vote:

AYES—D. Ballard, R. L. Behre, C. A. Farnum, H. C. Bunker, O. Belau, J. H. Crocker, J. Franklin, E. M. Furbush, A. Gerberding, C. M. Hawes, D. D. Hunt, A. Kronberg, J. E. Kunkler, F. M. Lovell, O. Loucks, Wm. R. Morton, P. Mohr, E. Ransome, C. Reed, M. J. Sullivan, H. C. Somers, I. C. Stump, W. P. Searight, J. Scheerer, C. A. Warren, E. I. Wolfe—26.

NOES—C. N. Cousens, Geo. W. Dixon, W. B. Farwell, C. R. Franklin, Geo. Hudson, R. D. Johnson, M. Phillips, R. W. Roberts, F. Rossbach, W. A. Searles, D. S. Weaver, J. B. F. Davis—12.









TRANSACTIONS  
OF THE  
COMMONWEALTH CLUB  
OF CALIFORNIA

VOL. VIII

SAN FRANCISCO, OCTOBER, 1913

NO. 10

Address by Hon. Franklin K. Lane

*The object of the Commonwealth Club shall be to investigate and discuss problems affecting the welfare of the Commonwealth, and to aid in their solution.—Article II, Constitution.*

*The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.—Rule VI adopted by the Board of Governors, 1910.*

SAN FRANCISCO, CALIFORNIA

1913

---

CONTENTS

	PAGE
LUNCHEON MEETING OF SEPTEMBER 5, 1913.....	523
Remarks by Chairman Evans .....	523
President Hodghead .....	523
Address by Hon. Franklin K. Lane .....	525

---

OFFICERS OF THE CLUB

<i>President</i> .....	BEVERLY L. HODGHEAD
<i>Vice-President</i> .....	E. W. WILSON
<i>Secretary</i> .....	C. E. GRUNSKY
<i>Treasurer</i> .....	JOHN P. YOUNG
<i>Chairman Executive Committee</i> .....	T. D. BOARDMAN
<i>Executive Secretary</i> .....	E. A. WALCOTT

---

GOVERNORS

EDWARD F. ADAMS, T. D. BOARDMAN, O. K. CUSHING, HORACE DAVIS,  
C. E. GRUNSKY, THOMAS E. HAVEN, GEORGE W. MERRITT,  
H. WEINSTOCK, JOHN P. YOUNG.

---

EXECUTIVE COMMITTEE

T. D. BOARDMAN, <i>Chairman</i> .	C. E. GRUNSKY,	GEORGE W. MERRITT
-----------------------------------	----------------	-------------------

---

The Governors, with the President and Vice-President, constitute the Board of Governors.

All communications to the Secretary should be addressed to Room 402, 153 Kearny Street, San Francisco.

Note for finding with  
these speeches -

see Supreme address  
in 1872



TRANSACTIONS  
OF THE  
**COMMONWEALTH CLUB**  
OF CALIFORNIA

---

VOL. VIII

SAN FRANCISCO, OCTOBER, 1913

No. 10

---

## **ADDRESS BY HON. FRANKLIN K. LANE**

The Commonwealth Club held a luncheon meeting on Friday, September 5, 1913, in honor of Franklin K. Lane, Secretary of the Interior. The address delivered by Mr. Lane on that occasion was a notable exposition of the policies of his department, and as several of the subjects dwelt upon are touched by the investigations of the Club, the Executive Committee ordered that it be printed as a part of the Transactions in order that it might be consulted by the membership.

### **Luncheon Meeting of September 5, 1913**

CHAIRMAN EVANS: It would be an act of supererogation on my part if I were to attempt in any way to take up the time in a formal introduction of the guest who has honored us by his presence here to-day. It is peculiarly fitting, however, that the Commonwealth Club, of all organizations, should do this honor to the Secretary of the Interior, because the work that we have held dear, the weal of the State, is so large a matter of his activity and function in office. Before formally presenting him to you, however, I am going to ask the President of the Commonwealth Club, Mr. Hodghead, to say merely a few words.

#### ***Remarks by President Hodghead***

THE PRESIDENT: Mr. Chairman and Honored Guest and Members of the Club: It is very rarely that the autocratic chairmen of these luncheon meetings ever permit the president to say even a few words, and when they do he is usually yanked up in this unceremonious fashion, as you have observed; and yet on the other hand I feel it a great privilege indeed to have the opportunity of speaking a word of welcome on behalf of the Commonwealth Club to our distinguished and



honored guest today. You see that the doctor has placed me unintentionally somewhat in the position of the fellow who was treating with two doctors at the same time. You can imagine what that was. He said that he felt that he was torn by conflicting emulsions. (Laughter.)

Now, the Commonwealth Club delights to honor Mr. Lane as far as he permits us to do so, because he has honored the Club not only by his presence today at this meeting as a guest of the Club, as on former occasions, but chiefly because he has advocated and endorsed and enforced some of the policies and principles for which this Club stands. We do stand for some things, Mr. Secretary.

We are a body of men who agree on some things and differ on most things. Our conservative members believe that we are radical, and our radical members are of the opinion that the Club is conservative. Everybody feels that he is in the minority. But we are a body of men composed of lawyers, doctors, bankers, merchants, engineers, preachers, educators, and possibly the secretary will be pleased to know, I think, there are some yachtsmen among us. We have a common purpose with different views as to its accomplishment. We meet here from time to time, from month to month, to thresh out these differences, with no ulterior motive, no political ambition, no purpose or design save the endeavor to ascertain and reveal the truth and the facts concerning many of the great public questions of the day and to assist as far as we may in their solution.

The members of this Club, Mr. Secretary, have been earnest students of many of the public questions which, to the honor of the country and to the great satisfaction of your warm friends, you have had occasion to be officially connected with, and to deal with; among them the regulation of public carriers and public service corporations, the conservation of the natural resources of the country, both state and national, and, more locally speaking, the problem of the temporary and permanent water supply for the great population which is to inhabit the regions around this bay.

We do not expect you, Mr. Secretary, to tell us all about these subjects today. We wish you could. We wish you could be at an early meeting when some of the engineers who have been connected with this water subject since you were City Attorney will discuss this problem, and at the meeting when Mr. Wheeler proposes to offer some suggestions as to the development of the internal waterways of California, and at a later meeting when Mr. Denman will discuss the wisdom of appointment instead of election of the judiciary.

One advantage of a club of this sort is that it does not decide anything. We have the privilege of suggesting how a matter should be decided, and we let the other fellow have the responsibility.

Now, every one present here today, except Mr. Lane, understands that he is to do the talking, and he understands that he, like all others, is subject to the will of the majority, so I think we have got him; and his official experience furnishes an illustrious example of that axiom of government that ours, while being a government of laws is to a large extent and probably may be to a larger extent a government of men.

Again I assure you, Mr. Secretary, that the Commonwealth Club is indeed delighted with the honor of your presence with us today. (Applause.)

THE CHAIRMAN: It is now my pleasure to present to this body one who needs no introduction to any representative body of Californians—Mr. Lane, the Secretary of the Interior. (Rising applause.)

### *Address by Franklin K. Lane*

MR. LANE: Gentlemen, I must confess that I am a bit intimidated by you. As I heard Mr. Hodghead list and classify you, I could not but think that this was an audience that deserved something far better than the rather thin diet I had to serve. As I understand it, you are the higher-ups of the community (laughter)—intellectually, of course (laughter); and you, no doubt, expect from me a wise and profound dissertation upon some large national questions, some presentation of philosophy by which you will be able to say to yourself, "Of course, that is the solution of the problem that I have been expecting all of the time and wonder why I had not struck it before."

Now, I do not find large problems any different from small problems. There is very little difference between deciding what should be the proper interpretation of a statute of the United States Congress and deciding what should be the proper construction of a section of the city charter of San Francisco. Large questions are in their ultimate simple questions, just as large men are simple men, men without complexity. That seems to be the order of our day.

And that reminds me of a story I heard of Mr. Balfour. Some time ago he was passing on a street in the late afternoon in as much of a hurry as a Tory leader can be in, and he saw a sign upon a little stand, "Hot buns, one penny." He stopped and bought a bun and bit his teeth into it, when he found that it was dead cold. He turned around to the woman and he said, "Why, you advertise these as hot buns." She said, "Yes, sir, that is what we call them."

That story has application to a great many things. Great problems and great men pretty much are what you call them. That is a name given to characterize and distinguish them. The same kind of intellectual grasp that will solve a problem in your city or in your state will solve a problem in the nation.

Now, the problems that I have in my department are largely problems that turn upon standpoint. What is the thing to be done? And in whose interest should we work? You know there has been all through the world the theory that resources should be given to those men who can make largest use of them; and that in some way the benefit of those resources will trickle down through some sort of sieve to the great body of the people; that we would be better off if we consigned all that we had to some great master of industry and let him, in his infinite wisdom, take care of the mass of people underneath.

That is a philosophy under which a great deal that is good has been done, under which continents have been opened, under which the resources of great bodies of land have been made available to the people of the world. But it is not a philosophy that is consistent, I take it, with the theory of our government or the tendency of our laws.

Just as soon as we accept the theory that all men and all women, if you please, are entitled to participate in government, there must necessarily follow the proposition that all people have a right to say something as to what their economic and industrial possibilities shall be. So that is no longer possible, no matter how advantageous it might be from the standpoint of efficiency or speedy development—it is no longer possible to turn over a bit of our continent to a few men and say “Develop this as the East India Company developed India,” or as Cecil Rhodes planned to develop Africa.

We think largely today in terms of economics, and the average man, and the man who is not of the average, believes that it is possible for him in some way to work out an economic and industrial philosophy by which advantage will come to him and to the great mass of our people, even though there is no such thing as putting the master mind to work upon the problem excepting as the servitor of the many; and the problem of our government largely is to so stimulate the imagination of these master men that they will be able to appreciate the glory that is theirs and the fullness of the life that they are leading if they are able to serve all men instead of themselves alone. (Applause.)

The difference between men, I find, is largely a difference in imagination, a difference in vision. Some men see

themselves as units, isolated, removed; other men see themselves in a relationship. What that relation shall be between yourself and your community is a question that you can determine for yourself; and the purpose of such organizations as this is, I take it, to stimulate the minds of the young men and of the old to the belief that whatever ability they have, and whatever of constructive imagination they have, is not to be confined to their own business, but is to be at the command of the public.

Now, in my work I find practically that there are many men who have not yet grasped that idea, and that there are many communities that have not grasped that idea.

Do you remember in "Man and Superman," that scene between the bandit in the mountains of Spain and the English lord who was being pursued by his lady-love, where after the automobile has broken down the bandit comes forward with a fine show of courtesy and bows to the English lord, and he says "I am Don José"—whatever it may be—"a bandit. I live by robbing the rich." The English nobleman would not be outdone in courtesy, and he bowed in reply and said, "I am Sir Hubert"—something or another—"an English gentleman. I live by robbing the poor." (Applause.)

Now, that is one of those delightful presentations of a part truth which makes an impress upon every mind, and like every epigram, every classification of men, it is only partly truth. The world is developing in England and in the United States a class of rich men who have as much satisfaction in doing good with their money as any poor men who live, and not getting that satisfaction like those, as John Boyle O'Reilly says in his poem on Bohemia, who deal out "Charity scrimped and iced in the name of a cautious statistical Christ," but men who are not attempting to do anything other than make their wealth available to their fellow men.

It is a wrong economic theory, I am convinced, to say that those men who have grown rich have not served their country well. The money that they have made and the wealth that they are producing, if that wealth is used constantly in creating more wealth and in taking proper advantage of opportunity and putting that advantage to the benefit of the whole community, is well used (applause)—better used indeed than if it is dribbled away in a series of society functions, attended often with approval, because they say that it tends to scatter money.

The use to make of money is to use it; and the use to make of land is to use it; and the use to make of water is to use it; and



the problem that we have to solve in this country is how to get men to give to the whole country the benefit of the resources that may be held in a single hand or in the hands of a few, and we cannot do that arbitrarily. Men cannot have what they are entitled to taken from them by sheer force of the strong arm. We must do it upon some philosophic basis and with reason behind us, because we have got to win the force and the command of public opinion.

Now, I find on every reclamation project that the greatest hindrance comes from the man who holds out of use land that should be cut up into small tracts and put at the service of the community. (Applause.) I shall try to solve that problem by placing burdens upon that kind of men which are not to be borne by those men who are honestly attempting to make homes; so that men shall have to pay to the Government of the United States more promptly their payment for water that we furnish to them if they do not use that water than they would if they did use that water. (Applause.) And so it is with the problem of water power. The question is still undetermined as to what control Congress has over this question of water, as to whether all the water that falls into the state does not belong to that state. There is a claim advanced seriously by some of our states, and ably upheld in argument, that all the water that falls within a state belongs to it, regardless of the condition that would result in the neighboring states if all that water was appropriated by that state.

I come against the problem as to what terms public land shall be allowed to be used for reservoir sites on and for dam sites, and I am trying to adapt that same philosophy to the water question that I shall try to adapt to the land question; that primarily the body of that water must be used, that you cannot take a stream that is capable of producing 100,000 horse power and by appropriation and by a partial use keep the public from the benefit of the full hundred thousand horse power, but shall impose upon those people who ask for that river or ask for that dam site an obligation to develop to the highest the water power in that stream.

The Indian problem is a troublesome one with me, and I would like to ask the wisest counsel from you as to what should be done with that body of our people. We have proceeded upon the theory that they were incapable of making American citizens; we have kept them as wards under our hand and under our eye. We find that after we give them education in many cases in the best schools that can be provided, they return to the tepee, they go back to the blanket, they let their hair grow long, they even return to the aerie, and they fall back into the state of Indianhood. Now, how are we going to make these men



realize what it is to be a civilized man? How are you going to get under the skin of the Indian the idea that distinguishes you from that Indian? We have tried schools. We have probably the best system of industrial schools for the Indians that exists in the whole United States. We have tried irrigating their lands and raising them to a higher class of agriculture. We have taken them away from their nomadic pastoral life, yet on the Crow Reservation there are 70,000 acres of irrigated land and only 7,000 acres are used. We have done everything that would seem possible upon the theory of keeping the Indian in our own control and forcing him to be a man. And that effort has not been a success.

Now, it seems to me that there is one more experiment that we can make. We can give that man an education and then we can turn him loose and say to him, "You have an admixture of American blood. We have given you all of the advantage that civilization can give to any one. There is only one thing that distinguishes one man from another, and that is his willingness to work and his ability to control himself. Now, it is up to you to make a man out of yourself."

If that experiment is seriously tried, I have no doubt that many will go down; but out of that experiment there would probably come thousands and tens of thousands of self-respecting, independent and most satisfactory citizens.

The Indian as we know him here is not the Indian of the plains. The Indian of the United States as a whole is one of the most admirable men I have ever met. If you let a man, an Indian—not a chief, but the commonest of the Indians of Oklahoma for instance—walk into this dining-room with a mass of men this afternoon, he would be a distinguished member of this company, not alone because of his fine head and his fine body and his splendid stature, but because that man would appear at least to have an infinite depth of wisdom in his head. The real thing that is the trouble with the Indian is the fact that he is not able to grasp the worth and the value and the consequences of civilization. He has a tradition of his own to which by blood and by inheritance he is loyal, and we have got to dig that up and overturn it, and substitute a new standpoint for the one that he has, if we are going to make a new man out of him and fit him to a new life. That gives you an idea of the magnitude of the problem that we have in our department.

I do not know that I can say a word to you that will be more helpful than to suggest to you the thought, you who live in the city, you who can meet at luncheons like this—suggest to you the thought that

these things that you enjoy here, that make life so tolerable to us in our city homes, come out of the travail of a great body of our people of whom I have seen but little in my life until the very recent years—our farming population.

Four weeks ago I was in Wyoming upon an irrigation project, where they told me that last year the average growth per acre was \$11, out of which the Government asked \$1.50. And one after another of those men rose in the meeting and told me of the struggle that they were having in making homes for themselves. One young fellow said that he had five acres. He rose at three o'clock in the morning; he worked until seven; at seven he went to work for a neighbor; he stayed at work for him until six; he had his supper and he went to work again, and he worked until eleven o'clock. Another man, with ten acres, said that he was milking eight cows and keeping two horses upon those ten acres of land. Another man, with forty acres, told me of the struggle that he had had with a piece of sandy soil. He had poured water onto it until he had put twenty acre feet of water onto that land, and yet he had not been able to raise a single crop of alfalfa; but his heart was still full of hopes. He had turned over the sand in his front yard and laid tarred paper a foot and a half below the surface of the soil, piled back the sand and put on water and raised his vegetables.

These are the men who are working for us. These are the men who are doing the pioneering in the United States today.

The engineering work of the United States is unsurpassed. There is no greater tribute that can be paid to the American engineer than to say that he has built the dam that will hold the flood waters of the greatest river in the country. But we have been indifferent, too indifferent to the man who works upon the farm that is irrigated by the United States. We have been too indifferent to the man who works upon every farm, and I am satisfied that there must come a movement in our time by which conditions will be made more tolerable not for that man alone, but for the woman who is with him. (Applause.) They are the pioneers. I have been through the arid West where these farms are being laid out, dry farms and irrigated farms, and those men are having a battle with the soil that is just as real and just as splendid and calls for as much heroism as any battle that men ever fought upon a battlefield with guns. (Applause.)

There are two classes of men, Kipling says. He divides them into the sons of Mary and the sons of Martha. Mary pleased her lord and he looked upon her with favor. Martha displeased him because she was at work; and the sons of Martha have been working for the sons

of Mary ever since. And the man that we must have regard for in our study of economic questions in this Club, the man that the Government should look to constantly and whose concerns should give the Government concern, is that son of Martha who is struggling and striving to build the railroad, to build the irrigation ditch, to make the farm, to get the metal out of the mountains, to drive his ships across the sea, to explore in far-off Alaska, to drain the everglades of the South, to climb into places that are the highest, and find where men can make habitations for themselves. All our economic theories, my friends, must be controlled, curbed and limited by the human equation. There is no philosophy that you can lay down in the books or in your paper discussions before this Club that solves any problem unless you consider first of all how men are going to live, and what their ideals of living are; and if we are to have the United States filled from shore to shore with men who are independent American citizens, proud of that citizenship, loyal to their Government, you must have conditions in the homes of the farmers of this country under which women will not work from four in the morning until nine and ten at night, and men will find that they can get some of the satisfaction that comes to men by mixing with their fellow men without abandoning their farms where they are trying to make a living for themselves as well as for us.

I am talking to you seriously as a body of men interested in the larger questions of our country. In Europe they have in some way, in many ways, solved some of these problems, because they there find that men can live in villages and still go out to the farms to work, can keep their farms at some remote distances from their places of residence. In the United States, outside of some of the Mormon settlements in Utah, that has not been found to be true.

And I want to make some plea to you that you give consideration to the problem of the American farmer, as to how he is to become identified with you who live in the city and not feel a degree of bitterness against you. You see it—many of you do. I see it, and find that there is building up a great class feeling in the United States, and that feeling you say lies at the House of Have on the one side and the House of Want on the other; and in your mind you roughly say that means the labor unions or the laboring men on the one side, and the capitalistic class on the other. I say to you seriously that one of the problems that you must consider is the problem of the dissatisfaction of the man who lives in the country, and that there is as much danger of a philosophy developing on the part of the farmer that is antagonistic to the denizen of the city as there is that laboring men will be opposed to the capitalist. Those men feel that they have not had out

of this country a square deal. They are willing to work, but they feel that an effort ought to be made to make their conditions more tolerable. Men on the farms in the United States pay ten and twelve per cent interest upon their money, when they want to buy a few cattle or some agricultural implements, and they say the man in the city can get his money for five per cent, and what is the city man doing for them, what consideration do they give to them?

Now, my friends, this is the thought that I would leave with you: That this country is great; that this country has a destiny that is unequalled, but that destiny can be worked out only by having in our minds constantly "the other fellow." That other fellow is the man upon whom we must lean; and don't try to solve your problems upon any theory unless you take into consideration the psychology of the man who has to work the farm and the psychology of the man who has to sail the ship, and the psychology of the man who has to do the work in the machine shop or in the ground. (Applause.)



# TRANSACTIONS OF THE COMMONWEALTH CLUB OF CALIFORNIA

The following numbers of the Transactions are still available. A full list of those published to January, 1913, will be found in the Progress Report for 1912, page 557. Sold to members at cost.

## Volume II

- No. 1. The Port of San Francisco, January, 1906. Pp. 67.
- No. 3. Torrens System of Transferring Land Titles, November, 1906. Pp. 30.
- No. 4. Good Roads, December, 1906. Pp. 50.
- No. 5. The Direct Primary, January, 1907. Pp. 28.
- No. 8. Fire Protection for San Francisco, September, 1907. Pp. 41.
- No. 9. Needs of the University of California, October, 1907. Pp. 37.
- No. 10. Municipal Ownership, November, 1907. Pp. 46.
- No. 11. Needs of the National Guard, December, 1907. Pp. 42.

## Volume III

- No. 1. State Indebtedness, January, 1908. Pp. 25.
- No. 3. Proceedings at the Annual Banquet, March, 1908. Pp. 20.
- No. 4. The Proposed Taxation Amendments, May, 1908. Pp. 100.
- No. 5. The Banking Laws of California, June, 1908. Pp. 85.
- No. 6. Amendments to the State Constitution, August, 1908. Pp. 40.
- No. 7. The Railroad Commission of California, September, 1908. Pp. 72.
- No. 8. Regulation of Stock Sales, October, 1908. Pp. 36.

## Volume IV

- No. 1. Proceedings at a Banquet in Honor of Dr. James Bryce, March, 1909. Pp. 30.
- No. 3. The Question of Ship Subsidies, May, 1909. Pp. 38.
- No. 7. Indian Rights and Wrongs, December, 1909. Pp. 27.
- No. 8. Progress Report for 1909. Pp. 61.

## Volume V

- No. 1. Conservation of the Forests, February, 1910. Pp. 14.
- No. 2. Labor Problems in California, April, 1910. Pp. 150.
- No. 3. Rehabilitation of the Merchant Marine, May, 1910. Pp. 17.
- No. 4. Dependent Children, June, 1910. Pp. 68.
- No. 5. The Prevention of Tuberculosis, July, 1910. Pp. 77.
- No. 6. Constitutional Amendments of 1910, September, 1910. Pp. 88.
- No. 7. India Basin and State Highways, October, 1910. Pp. 48.
- No. 8. Progress Report for 1910, January, 1911. Pp. 53.

## Volume VI

- No. 1. The Red Plague, May, 1911. Pp. 83.
- No. 2. Employers' Liability and Woman's Suffrage, June, 1911. Pp. 68.
- No. 3. The Recall Amendment, July, 1911. Pp. 84.
- No. 4. The Railroad Commission Amendments, August, 1911. Pp. 44.
- No. 5. Direct Legislation, September, 1911. Pp. 68.
- No. 6. The City Charters Amendments, October, 1911. Pp. 55.
- No. 7. State Aid to Agriculture, November, 1911. Pp. 107.
- No. 9. Progress Report for 1911, January, 1912. Pp. 82.

## Volume VII

- No. 1. Control of San Francisco Harbor, March, 1912. Pp. 68.
- No. 2. Conservation, June, 1912. Pp. 246.
- No. 3. State Text Books, August, 1912. Pp. 60.
- No. 4. Home Rule in Taxation, October, 1912. Pp. 86.
- No. 5. Workmen's Compensation - Employers' Liability, Nov. 1912. Pp. 54.
- No. 6. State vs. Local Control of Harbors, December, 1912. Pp. 40.
- No. 7. Progress Report for 1912, January, 1913. Pp. 87.

## Volume VIII

- No. 1. Judicial Procedure, February, 1913. Pp. 53.
- No. 2. The Water and Forest Bills, March, 1913. Pp. 48.
- No. 3. The Industrial Accidents Bill, April, 1913. Pp. 53.
- No. 4. Immigration, May, 1913. Pp. 25.
- No. 5. Public Recreation, June, 1913. Pp. 129.
- No. 6. Sources of California History, July, 1913. Pp. 19.
- No. 7. Red Plague—2nd Report, August, 1913. Pp. 100.
- No. 8. Land Transfers, September, 1913. Pp. 45.
- No. 9. Smoke Problems of California, September, 1913. Pp. 44.

A few bound copies of Volumes III, IV, V, VI and VII are for sale at the office of the Secretary at \$2.50 each. Index to any volume from II to VII can be furnished.





# ADDRESS

DELIVERED BY

REUBEN H. LLOYD,

GRAND ORATOR,

BEFORE THE

GRAND LODGE OF F. & A. M.

OF CALIFORNIA,

OCTOBER, 1892.



# ADDRESS.

---

MOST WORSHIPFUL GRAND MASTER, AND

BRETHREN OF THE GRAND LODGE:—

There have been two Special Communications of this Body, held since the last general session, which I have been unable to attend.

The last, to lay the foundation-stone of the City Hall at Woodland. At the time I was in Denver, attending a general assembly of a branch of this Order.

The first, to attend the funeral of Doctor ISAAC S. TITUS, who was Grand Master in 1873. A professional engagement I had entered upon before the funeral was announced, and which I could not abandon or put off, prevented my attendance. I regretted it exceedingly, because Dr. TITUS was a personal friend of mine. He was of a kindly, genial disposition, intelligent and unassuming—a walking encyclopedia of the law and literature of our Order. Many a time, when in doubt about some proposition, I applied to him for light, and was always gratified by the simple, clear and concise way he disposed of every difficulty. His life was an illustration of true Masonic principles; if an adherence to its dogmas, a strict observance of the rule:—

“Do unto man your whole life through,  
As thou wouldst have him do to you,”

gains a reward for its votary in the world to come, he has surely won a crown of life.

It is one of the duties of my office to address you “on matters appertaining to the Craft.” That is a very wide text; under it the origin, history, rise, progress, glories, advantages and beauties of Freemasonry have already been fully dilated upon. I will not attempt to throw light upon fields already swept by the brilliant search lights of the master minds of those who have preceded me, but content myself with calling your attention to a few practical matters which have come under my observation during the many years I have been a member of the Order.

I have been frequently struck with the light attendance at Lodge meetings. Only on very rare and extraordinary occasions do a majority of the members

meet at any session. As a general thing, from a seventh to a tenth of those on the roll put in an appearance, and often only just enough to open the Lodge. I have turned over in my mind many a time the question, "What is the cause of this, and what remedy, if any, is there for it?"

When, by the gracious pleasure of our Most Worshipful Grand Master I was installed in this office, I concluded to make an effort to answer the riddle. My first step was to get a consensus of the opinions of all the Masters in the State, and for that purpose I addressed them a circular inquiring the total membership of each Lodge; an estimate of the average attendance during the year; whether the attendance was increasing or decreasing; if increasing or decreasing, what was the cause; requesting each to give me what, in his opinion, would awaken renewed interest in the meetings and attract the members thereto.

In reply I received a large number of very interesting letters. From them it appeared the average attendance in the country was much larger than in the city—running about one-third, though in numerous instances that attendance required the member to travel many miles, frequently at considerable expense, and often accompanied by the loss of a day's work.

Some correspondents attributed the falling off of attendance to the decrease in business in their locality and removal of members; others that business was so brisk, there was no time to attend; others lack of interest, the reason for which they did not understand; others because the officers were not up in their parts, and the manner in which they conferred the degrees was not in accordance with the ritual or entertaining to the hearers; others lack of interest because the officers of the Grand Lodge never visited their localities; others because the dues were too high—they were kept at a standard ruling in the golden days, and in effect debarred membership, and also prevented members of Eastern Lodges, located here, from dimitting and joining in California; others because the principles of Masonry were not properly observed outside as well as inside the Lodge; others because other societies were more attractive—they had socials and parties and friendly gatherings, which we have not; by the rules of the Grand Lodge entertainments were practically prohibited—if any of the members of a Lodge desired to get up a little social, they had to put their hands in their own pockets for it, hence it became an unequal burden on the members; the large majority were in favor of frequently having coffee and cakes and a nice spread; many thought there should be literary entertainments and subjects of discussion to attract the members; a great many appreciated the fact that apathy was spreading over the Lodges, but the cause they could not tell and hoped I would solve it.

Some of my correspondents, I think, touched the key-note of the trouble.



Our Order has been lauded in song and story; eloquent tongues have pictured its beauties and advantages; it has become a great factor in the world's moral existence; it has gradually spread over the earth and become a power in every land, until at last its greatness is dangerous to itself. When an Order becomes so large that it is universally recognized as one of great influence, immediately it attracts those who seek admittance, not to be guided by its precepts and teach its moral code, but mainly to use its supposed influence for their own selfish purposes and trade upon it for their own personal gains. Look around you, and I am confident you will be able to name many who, after they enter its folds, never study or practice the principles of the Order, but on the contrary violate them every week of their lives.

Who is to blame for this? I answer: The Lodges bring it partially about by the loose way in which they admit members.

In the olden times, it was a difficult thing to get into a Lodge. A man had to be long and favorably known to all the members before he could hope for an affirmative answer to his application. It was unmasonic for any man to solicit his petition. His standing in the country, his moral character, his business, his family ties and social relations, had to be all known and thoroughly understood by every member, before a vote was taken on his application. His appreciation of a moral and upright life, his belief that the teachings of the Order had a favorable effect upon some friend, had to induce him to go and do likewise. He had to be an applicant of his own free will and accord; or in other words, by the voluntary and unaided action of his own inclination. How is it now?

In many Lodges, when the finances run low, or when the officers think they ought to excel their predecessors, by initiating more members than they did, or that frequent initiations will stir up an interest in the Lodge, petitions, from any quarter, are but lightly scanned, and almost sure of a favorable consideration. The members are asked to drum up candidates. They go out in the highways and byways, and persuade those of whom they know comparatively little, to join. When successful, the petition is presented, committee appointed. Perhaps only one of that committee really acts, the others, relying upon his judgment, report favorably. The application comes on to a ballot. Out of the many members, how many personally know the stranger? How many know his family history? How many know how he stands in his trade or calling amongst those who are similarly engaged? How many know whether or not he belongs to any church or what his religious proclivities are? How many know what his real moral character is? How many know whether he is married or single; if married, what kind of a husband or father he is? How many know whether he is a careful and prudent man, or an improvident

and reckless one? How many know whether or not they would like him for their daily associate and friend? How many know whether or not he is free from bodily or mental disease, or has within hereditary taints which will end in his lingering destruction, and make him in all probability a burthen on the Lodge? How many know whether or not he is a man they would like to introduce to their wife, or their sons, or their daughters, and have them look up to him as an example?

Not one, perhaps, in that whole Lodge. And yet, they stand ready to vote to make that stranger of whom they are so densely ignorant, what? To make him next to a member's wife, mother or child, the most intimate companion and associate a man can have on earth. They stand ready to obligate themselves to receive and cherish him as a brother; to confide to, and trust him with the dearest secrets of life; to wait on him in sickness; to soothe him in sorrow, and help him in distress; to cherish, protect and defend his good name, and take care of his wife and family, should the Supreme Being call him away.

They stand ready to obligate that stranger, to do the same thing towards themselves and all the members of the Lodge, and yet, for aught they know, he is entirely ignorant as to who a large majority of the members are. In all probability there may be amongst them several with whom it would be impossible for him to keep up the relations his obligations will require.

When he comes to be initiated, not infrequently members say: "If I had known that was the man I would not have voted for him." Does an addition of that kind add to the strength of the Lodge? Does it add to the glory of Masonry? You must—I must answer both questions in the negative.

This practice, if pursued, will turn the bands stronger than triple steel, which bind this Order together, to a rope of sand.

Are you a man of family? Have you a marriageable son or daughter? If a daughter, and some one seeks her hand, what do you do? Do you not find out thoroughly what manner of man he is? Who his family are; how he was raised—who are his associates? Is he sound bodily and mentally? What kind of an education has he? What are his religious principles? What is his moral standing? Is he an honorable man every way? What are his business capacities? What is his ability to take care of your daughter? Is it probable he can appreciate her in her youth, and love and cherish her in her old days? Will he be always true and steadfast in his promises to love, cherish and protect her? Is he of such a temperament and disposition that they will be likely to agree? Is he a man you would be willing to adopt and cherish as your son?

If he does not fill all these requisites, you decline his offer.

If these precautions are adopted before you accept a son-in-law, why should you not be equally careful about permitting a man to become a member of that other family—your Lodge—whose members are bound to you and you to them, by ties which are next in rank to those of flesh and blood?

It is frequently an argument for admission, "He is a rich man and will pay his dues promptly." The man who only pays his dues, and does nothing more to advance the Order, is a positive detriment instead of an advantage. The prosperity of the Order depends far more upon the example of its members, than the prompt payment of the paltry sum necessary to defray its expenses.

This Order can only advance by having on its rolls those *alone* who preach and *practice* its precepts in their daily lives.

Men who in the Lodge laud all its doctrines, and outside forget them, are like the church members who, on Sunday repeat the Ten Commandments with zealous joy, and on the week days pave their way to prosperity and pleasure by trampling them under foot.

The one retards the cause of Masonry, and the other brings religion into contempt.

What is the chief cause, you ask, which has brought this condition of things about? The answer appears plain to me.

Because we have of late years been drifting away from the ideas and principles upon which this Order was founded.

The sages who created the institution had an object to accomplish. It was the moral and social good of mankind. They had pursued the same line of thought as the Athenian philosopher. They realized that the greatest study of mankind was man. They had mastered the subject, and concluded the only true way to advance mankind, was to cultivate and enlarge his moral and social nature. They collected and formulated a system of ethics and morals, the grandest the world has ever produced.

Of what use was the system which defined man's duty in respect to himself and the rights of others?

Of what avail rules of right conduct and guides for private and social duties, unless there were subjects to act upon?

They would alone be idle theories, mere abstract propositions, and their worth or use as undemonstratable as the proposition of astronomers of the present day, as to whether or not any of the brilliant spheres which surround us, are, or are not inhabited.

So they came to the conclusion to found an Order with a social system for a basis, and their principles of ethics and morals as the rule and guide of conduct.

When the old patriarchal system came into existence, it had not any human design about it, as we understand that term—it came naturally into being by the force of circumstances. The man who founded a family was the head of it. There were no laws or rules for his guidance—he made his own. In the slow course of time, families increased and became clans and tribes, and clans and tribes increased and became nations. The family rules gradually enlarged to suit the necessities of the occasion, and became systems of laws.

But, as the families grew to tribes, and tribes to nations, the ties of affinity became weaker and weaker, and men became strangers to each other. The bonds of kindred, affection and association, which made them respect the rights of relations and friends, disappeared; they were only held in restraint by the cold rules of law; the rules of morals and ethics were pushed aside.

To correct this was the object of the founders of our Order. Their aim was to create a tie as strong, if not stronger, than that of blood and kin, and make it in all respects its equivalent and as lasting, no matter how large the Order, or where it spread, and add to it, with renewed force and vigor, the ameliorating and elevating influences of the moral and social relations.

Was it possible to make a bond as strong as that of blood and kin? What is popularly known as the bond of blood and kin is a mere idea. When you analyze the relation which most strongly binds men together, you find it arises because they are congenial in disposition, have a common purpose in life, have grown up in constant association, have received their thoughts, ideas and education from a common source, breathed the same air, enjoyed the same pleasures, and wept over the same sorrows. And so, from day to day, from year to year, their thoughts, feelings and sentiments have gradually grown, mingled and intertwined together. When they look back in life, every page, whether bright or dark, is filled with the familiar form of their associate. Each has become insensibly interested in everything affecting the other; hears with satisfaction of his success, listens with pleasure to his praise, feels sad at his sorrows, and when he is traduced, rushes with indignation to his defense. Example after example shows you can take two boys or girls of even disposition, bring them up together as constant associates, and they will be bound as firmly to each other through life as if the ties of blood and kin existed.

The founders of our Order fully appreciated that a common purpose to subserve, a similarity of disposition, and constant association, were what principally created lasting friendships; and upon friendship, as the main foundation stone, must the Order they contemplated be founded. And so, what I may call a family society, with the Master as the representative of the



father and head, was organized. Into its circle none but congenial spirits were permitted to enter.

They brought men together whose interests in life were, as nearly as possible, mutual; whose society was pleasant to each other, and who, from frequent intercourse, from interchange of views and sentiments, from a fostering of social relations, gradually grew to like and respect each other, and feel a common interest in each other's welfare. As in a family, at the dinner table, the questions of interest to the little community were talked over, and plans were laid for the future. So around the social board in the Lodge-room, in close commune, they discussed the matters of interest to the Society, the prospects of each member and his hopes for the future. They all understood that nothing so rapidly draws men together as to sit down at the social board and have a friendly chat. There, in an hour or so, men get better acquainted with each other than they possibly could in the cold, worldly intercourse of a year; and so in the Lodge-room, every meeting was a little social festival which made its members nearer and dearer to each other. They carefully provided officers charged with the duty of furnishing refreshments to the brethren.

The novitiate, who was entering its portals, had the formal part of each degree conferred upon him in ceremonious style; then the Lodge was called from labor to refreshment, which call was not an ideality, but a reality. Around the family table, while mingling with the members of the Lodge in social accord and partaking of its repast, he had explained and illustrated to him, in a pleasant and intelligent way, the mysteries of the degree he was receiving; and there he drank in, in a lasting and most agreeable manner, the theories and ideas which were to guide him in his future life. (These olden explanations have in the Lodge-room of to-day crystallized down to what we call lectures and charges.) He became immediately on friendly terms with all the members and they with him, and the foundation was laid between them for a future and enduring friendship.

Under this system the Order grew rapidly and spread over the earth. Its teachings were illustrated in the daily conduct of its members.

In England, I am informed by a bright and intelligent member of one of the wealthiest Lodges in London, this plan of Lodge proceeding is still practiced. They meet but once a month; at every meeting there is a banquet prepared by the Stewards, which office, by the way, was principally created for that purpose. When the Lodge is called from labor to refreshment it is not an idle ceremony, but means what is announced. The members sit around the tables, and there all the business and affairs of the Lodge are discussed and transacted. Annually a collection is taken up for charitable purposes.



At the last annual dinner the subscriptions were over \$100,000. He assured me amongst its members the strongest personal friendship exists; the well being of every one of them is cherished and guarded by the others with the kindest care.

On our continent, in the slow progress of time, moralists of a higher plane have gradually taken possession of the Order. Under their guidance the social feature has gradually and slowly been expunged. No more are social dinners or festivals permitted at the expense of the Lodge. No more do the Stewards perform their olden duty; they go through a recital of what their duties are, but the main duty, which brought them into existence, is now considered but rudimentary and useless, and when the Lodge is called from labor to refreshment, the word "refreshment" is a misnomer.

The idealists have declared the moral principles are too pure to be mingled or debased by fellowship with the sentiments of the stomach. They do not believe the feast of reason or flow of soul, brought into play around the dining table, is anything but an indication of the gratification of the animal part, and, they cry, cannot at all tend to uphold, cement or strengthen any idea of morality.

They declare the funds of the Lodge shall not be used for Lodge expenses, if such expenses include any refreshments, however frugal those refreshments may be; that such things have generally a demoralizing effect, and should not be favored, but if countenanced at all, the members alone who desire them must pay the caterer.

They believe a recitation of the tenets and principles of the Order, as found in the ritual, and the grand descriptive and explanatory addresses, should have attractive force enough to draw men from pursuits of pleasure or business to listen to their repetition fifty-two times a year, and that, too, though these same men may have heard the same thing over a hundred times, delivered with all the grace and charm which an eloquent and instructive speaker could give it.

They in effect declare all that is necessary to make men fast friends is to bring them together in the Lodge-room, while the sublime principles of our Order are being annunciated, for the gratification of the hearers and the mystification of the candidate.

Is this not asking too much of human nature? Is it not expecting too much of the average mortal?

Suppose we were to select a speaker in all respects the equal of BEECHER or SPURGEON, two of the most eloquent divines who have appeared on the earth during the present century, and such speaker should announce he had selected three of the best considered sermons which had ever been written,

and those sermons he would deliver at a given place, once a week every week during the year, on condition that only the same audience should be permitted to attend on each and every occasion.

After the first two or three deliveries how many do you suppose would be in the audience? Would it not materially diminish, and before the year was over would not the attendance for sparseness put you in mind of the average attendance at an ordinary Lodge meeting?

Yet on this plan are the Lodges being conducted to-day.

At each meeting the usual routine of opening the Lodge is gone through with, a degree is conferred, and then, in the same routine way, the Lodge is closed and the members are dismissed. Each member can almost repeat by heart exactly what will be said and done before he goes there. There is nothing new, nothing novel, nothing interesting, except a repetition of the morals and dogma of the Order, all of which he had heard oftener and is more familiar with than he is with his catechism.

Perhaps between the opening and the closing a member from some other Lodge is introduced. How is he received? Welcomed by the Master, who says he is glad to see him; hopes that he will honor them with a visit as often as he remains in the city, and requests that he be seated with the brethren. That done, the business goes on. The stranger does take a seat, and there he remains until the close. Perhaps one or two members may speak to him—only that and nothing more; when the end comes he walks out into the darkness and the world, knowing as little about the members of the Lodge as any stranger he meets upon the street.

This, I say, is the usual manner in which strangers are received.

Suppose you were sitting around your family circle, and some friend comes in and says, "I have a friend I would like to introduce to you; he is my friend, a nice gentleman and a good fellow, and I want you to know him."

What do you do? You say, "Bring him in." Of course you get up, are introduced and shake him by the hand, give him the best seat in the house, engage in social chat with the new comer, trying to make him at home as much as possible, make him feel as you feel, that you are glad to see him, like to have him with you; impress upon him that he is amongst friends. When he goes away he has a smile in his heart, and a bright spot in his memory for the pleasant time passed at your fireside.

If this is the way you receive a mere stranger, who has a friendly introduction in your family, why should you not receive a brother of mystic tie in as kindly and fraternal a way? Why not call off your Lodge and have him introduced all around to the members and make him feel at home? Make him realize that there is something in Masonry beyond the mere form and

ceremony. Make him feel as he grasps the hand of each brother, an electrical thrill of friendship, which tells him they are not strangers, but friends; that he is looking into the eyes of men who will be all to him that that word means, if he needs them; that his hand is clasped by one who will be to him one of the dearest and best things God has given us on this earth to cherish and enjoy—a true and manly friend.

Well, what remedy do you propose? you say. Do you wish to turn the Lodges over to wine bibbers, gourmands and revelers, and spend its funds in dissipation? By no means. Nothing is further from my thoughts. No one, I take it, will accuse me of such a desire. I can say, what perhaps few here can, that I never took a drink of wine or liquor, or used tobacco in any shape; and that, too, though in this country in my early youth, indulgence in the use of both were part of the customs of the people, and a man was considered odd who used neither. Yet I am not an advocate of total abstinence. I believe in moderation in all things. I know I am approaching dangerous ground—in a measure calling in question what is possibly deemed an established and unalterable rule governing the body in this State. No, I will not say unalterable rule; every rule unless it can stand the test of criticism and come up to the measure of usefulness and expediency, should be changeable.

I am pleased to know from his address delivered yesterday, our Grand Master is in favor of a relaxation or modification of the “no refreshment” rule. Everywhere he made an official visit, he told us, the crowning feature of the occasion culminated in a banquet, around which were more firmly cemented, the mystic ties, binding the participants to each other—and to him.

I believe Masonry is comprehensive enough to take in all classes of men who truly desire to do unto others as they would that others should do unto them. That being the case, its doors must be opened to the average man, who makes as a class the majority of human kind, whom its principles and practices will strengthen, educate, elevate and ennoble.

To do all this takes time. You must first get him within your folds; then study and understand, as far as possible, his disposition and wants, his likes and dislikes, what will attract and what will repel him, comprehending that you must make the place attractive enough to retain him, while you gradually educate him up to the standard necessary to make the practice of Masonic doctrines not only a duty, but a pleasure and a habit—a part of his very self.

Now, how are you going to retain him after you get him in the Lodge? By calling him from all the outside attractions and allurements to attend your meetings, where he is to sit like a bump on a log and listen to the dry recitals of the same Masonic morals four times a month. If it gets a little tedious to

him and he whispers somewhat loud to his neighbor, he is promptly called to order by the Master, and reminded it is necessary he should give silent attention to the proceedings going on before him. You all must realize such a thing cannot be very entertaining to him. After a few experiences of that kind, his attendance slackens off and ends in his coming only semi-occasionally; in fact, so rarely that many of the members, when he does come, ask "Who is that?"—not recognizing him as a member.

You surely will not claim, under these circumstances, there exists a close, friendly relationship between the transient attendant and the other members of the Lodge. If you will ask him, he will tell you he knows but few of the members by sight, might pass almost any of them in the street without recognition and in total ignorance that the man going by was bound to him by the mystic tie. Ask him why he does not go to the Lodge meetings. He will say, "Oh, well, I did go several times, but it became tiresome and I was otherwise engaged." In time, about the only member of the Lodge he knows is the collector who comes for his dues. He remains a member of the Craft and that's about all. He may have some dim recollection of what he heard in the Lodge about Masonic rites and duties, but they are so faint they have little or no influence on his conduct towards his fellow man.

Will that man propagate the Masonic faith, or add to its glory or renown? Will he, by his good Masonic works, attract worthy members to the fold? Will he fulfill the obligations of his Lodge when his interests clash with those of other Masons? Answer those questions from your own observation. Mine has led me to believe, in a great many instances I am sorry to say, his obligations are forgotten. And why is it? Because they are not grounded upon nor bound by the social tie.

You never can make morality practical as long as you keep it ideal. That, in my judgment, is the reason the churches of to-day have so little influence. There is really no social tie amongst their members. There is nothing but the ethereal one of religious sentiment, which is polished up a little once in every seven days, and encroached upon or absolutely forgotten during the remaining six, whenever it conflicts with personal interests.

Well, you say, what can the Lodge do about it? How can the Lodge help it?

I answer, as at present hampered by regulations, nothing—it cannot help it. But it could have helped it if it had had a little freedom to act. If the Lodge had been at liberty to make its meetings attractive to its members, had little socials, friendly discussions on interesting topics, and now and then some simple repast—all mere pretexts in themselves, but sufficient to amuse and attract the average man and bring him into social and friendly relations



with the other members, gradually making them better acquainted with each other, and insensibly but surely planting in his breast a liking for his fellow-members, a desire to come again and be with them and talk over the business and affairs of each other, the prospects of the country, etc., slowly but surely making the bond of friendship stronger and stronger between them, till after a time he looks forward with pleasure to the meetings which draw him away from the cares and perplexities of the world, away from the cold and selfish crowd who would care but little if he dropped by the wayside, and perhaps consider only that he was another obstacle out of their pathway in the mad rush after wealth and power.

In his Lodge he knows he is with his friends, with those who feel an interest in him, who will stand by him when the hour of trouble comes, and rejoice at his success.

Will he not also feel the same way towards them, and as far as they are concerned will he not be ready to fulfill his duties as a Mason? When he gets thus far he is in the frame of mind to look with proper consideration to the duties he owes to members of the fraternity at large; by the good effects wrought on him through the relationship with the members of his own Lodge his eyes are opened to the benefits which will accrue to mankind when the same relationship shall be established amongst all the members of the Order, and they will feel and act towards each other as he feels and acts towards his own little band of brethren.

But you say if this plan is carried out the funds of the Lodge will be dissipated, and no money will be left to carry out its benevolent views. It is not my idea the Lodges should have unlimited sway in such matters. Give them a reasonable discretion. There are conservative and sensible members enough in every Lodge to keep such matters within proper bounds.

The surroundings of nearly every one are different, and will require a different plan of action from its neighbor. The Master has control and can be relied on not to let anything be done which would throw discredit on the Lodge or the Order. In some places it might be undesirable to have any wine or liquor at a refreshment, for fear some member might take too much. The brethren should always remember an intoxicated Mason not only disgraces himself, but also casts a stain on his associates.

If discussions on any subject are invited, there may be some prosy member, you say, who by the unreasonable length of his speech may tire the others. The officers of the Lodge will always have enough tact to prevent such a thing and suit their attractions to their surroundings.

If the small sums these entertainments would cost would result in drawing the members together in closer friendly union, then I say the money will be



well spent, the cause of Masonry advanced, the membership of the Lodge increased by the addition of practical Masons, and its treasury more than replenished by the healthy growth.

Another order, which sprang into existence during this century, and, no doubt, patterned after ours and intended to be a sort of an improvement upon it, has been conducting its affairs on the same exclusive plan with the same unfavorable result in attendance of the members. Discussion after discussion was carried on as to what was the cause and what the remedy. At last the great temperance jurisdiction of Massachusetts introduced in the Supreme Body a resolution that the Lodges be allowed five per cent of their income for incidental Lodge expenses. After much consideration the motion was adopted.

But some old members will say: "Do you wish this Ancient Order to pattern after a mere stripling, a mere offgrowth?" I answer in the language of the poet:—

"Seize truth wherever found,  
On Christian or on heathen ground,  
Amongst your friends, amongst your foes;  
The plant's divine where'er it grows."

There is no one within the sound of my voice who cannot be taught something which he never knew by any ten-year-old schoolboy. He who will refuse to profit by the experience of others only stands in his own light and is a drag on human progress.

The subjects which I have touched upon might be amplified and enlarged, but it would make my address much longer than the business of this Grand Lodge will permit.

The points I desire to call to the members' attention are these, namely:—

In order to build up the Masonic fraternity, you should first carefully select men whose inherent qualities incline them to do justice to their fellow men and duly consider and respect the rights of others. Then establish amongst them a close and friendly relationship. These are the mudsills for the foundation stones of the Masonic Temple. You must not permit any member to be elected to your Lodge for revenue only. You must constantly keep in mind that to you are delegated the right to make a Mason, who shall not alone be a member of your Lodge, but also a brother in the bonds of fellowship with a million of men. You are charged with the solemn duty of seeing that none are permitted to come within our fold for mercenary or selfish purposes; that no one shall be permitted to call himself a Mason, unless he will in his life be an example of the benefits which a proper observance of its principles will be to mankind, in elevating the moral standing of the community, in establishing a proper respect for the rights of others, in advancing

the cause of education and good government, fostering a sincere love for human liberty, and lastly, and above all, a profound reverence for the Deity.

The conclusions I have reached are:—

1.

The true basis for Masonic faith is the building up and establishing a close, friendly relation between the members of the Lodge.

2.

To accomplish this an intimate social communion must be established amongst the members.

3.

To bring the latter event about, the meetings of the Lodges must be made both pleasant and attractive to all the members; and

LASTLY.

None should be admitted but those whose society would be likely to be agreeable to the other members of the Lodge, who of their own volition seek admission, and are naturally inclined to favorably receive Masonic doctrines, desiring membership *alone* because they are ambitious to do their share towards humanizing and elevating their race.

Take these propositions home with you, study them well, and I think you will come to the conclusion that when they are strictly adhered to, you will have full Lodge meetings, and when they are violated, you will open to empty benches.





*Jubilee Celebration, San José* ❧

*Address of* ❧ ❧

*Elisha Williams McKinstry, LL. D.*





# JUBILEE CELEBRATION

SAN JOSÉ

DECEMBER 20, 1899

---

## ADDRESS

OF

ELISHA WILLIAMS MCKINSTRY, LL. D.

Vice-President Society California Pioneers  
Ex-Justice Supreme Court, Etc.





MR. PRESIDENT: I am not authorized to respond to the eloquent and cordial welcome of your distinguished guests, and, of course, not authorized to comment upon the guests themselves; yet venture a word with respect to one class of your visitors — the Veterans of the Mexican War. It is eminently proper that the men of Palo Alto and Resaca de la Palma, of Monterey and Buena Vista, of the gallantly fought and hard-won battles between Vera Cruz and the City of Mexico, should prominently participate in the jubilee celebration of an event which was rendered possible only by their dangers, toils, and sacrifices. To them and those they represent (aided by the Americans then in California) we are indebted for the very soil on which we live, and to whatever of good is contained in the political institutions whose inauguration we have met to commemorate. But before I proceed to speak of the government which went practically into operation about the twentieth day of December, 1849, permit me to say a few words of the government which immediately preceded it.

I do not now refer to the Government of Mexico — Mexico, which, after enduring many bloody and exhausting revolutions, after having twice apparently, but only apparently, submitted to the monarchical form, now enjoys the benefits of wise, strong, just, and beneficent administration under the sway of an illustrious republican chief. I refer, rather, to the government carried

on within the present borders of the State after the capture of this territory by the American forces.

### THE MILITARY GOVERNORS.

That the President, as the head of the military and naval forces of the United States, had a right, *during the war*, to govern by decree the people of the territory occupied by our armies is not questioned. In pursuance of this right and policy, the military commander, under direction of the President, governed the territory of California, mainly by enforcing the civil law previously existing, and levied such contributions from the presumably hostile population of a conquered province as were deemed necessary. These contributions were mostly in the form of imposts upon imported goods, the rates of charges being regulated by reference to the general tariff laws of the United States. All this accorded with the laws and usages of war. But the treaty of Guadalupe Hidalgo changed the relative position of the people of the conquered region and the Government of the United States. By that event and the annexation of the territory the people became citizens and entitled to all the privileges and immunities of the citizens of any of the States or Territories. After the treaty of Guadalupe Hidalgo the military governor continued the collection of revenue and to discharge other civil functions. But the power of authorizing the exercise of civil functions was derived *either* from the Government of the United States *or* from the people of California.

Congress never established a government in the territory; nor did Congress legislate with regard to it until long after the close of the war, and then only by giving the supposed sanction of law to the taxation of a people entirely unrepresented in the national councils.

The people of California, actuated by a sense of the necessity of some government, and willing to pay for



that government, acquiesced in the exercise of the power of taxation, as well as many other civil powers, by the military ruler. In the absence of any recognition of their existence by Congress, they had never parted with the right of self-government, which was alienable only by their own will; and in the exercise of that right they permitted the governor *de facto* to assume powers which, by the sanction of the people, were enforced prior to the adoption of the State Constitution.

This contract was acknowledged by the ruler and the ruled. It was recognized by the people by their acquiescence in those measures adopted by the military governor, and by their uniform responses at elections. This tacit agreement was also recognized by the governor by his studious adaptation of his measures to the genius of the people, by his frequent appeals to the popular voice, by his recommendation of a convention and the steps which led to the assembling of that body, and by his resignation of all civil executive authority to the individual intrusted with the more definite powers of a governor under a written constitution.

Thus it appears that the people of California have possessed substantially the power of self-government ever since the end of our war with Mexico. The only authority in the military governor to call together a convention of chosen delegates to frame a State Constitution, and to provide for the mode of their election, was derived from the people who responded to the invitation of General Riley's proclamation, selected delegates and ratified the handiwork of their representatives. Thus was formed the State of California, which became a member of the Union in September, 1850, but employed all powers of appropriate legislation prior to that date. It was a squatter sovereignty, as much so as that of Michigan, while the necessity for it was more pressing than in the case of Michigan. To the governor and legislature, elected under the constitu-

tion ratified by popular vote, the military governor formally abandoned all claim to the further exercise of civil power.

This is the anniversary of the first meeting of the California legislature under the Constitution.

#### FIRST GOVERNOR UNDER THE CONSTITUTION.

The meeting of the legislature, in conformity with the direction of the Constitution, took place here in the ancient Pueblo de San José. Here the Senate and Assembly attended the inauguration and received the first message of a governor of California formally elected by the voices of the sovereign people. A man of rare abilities and of the very highest character, the pioneer governor honored the position he occupied. By reason of his services as the chief executive, and subsequently as justice of the Supreme Court, he well deserved the gratitude of later generations, as he enjoyed the notable regard and respect of his contemporaries; while his long career as a private citizen was marked at every stage by manifestations of an integrity of purpose always recognized, never questioned. He was indeed that noblest work, "an honest man,"—honest, not merely in a narrow commercial sense, but in that he never failed to pursue his convictions of right to their just conclusions. Such was the Hon. Peter H. Burnett, the first governor of California under the written Constitution.

#### SAN JOSÉ IN 1849.

Doubtless there are persons here present who can recall the place of assemblage of the legislature of 1849—the first state-house of California. A two-story adobe building, with a wooden piazza running along its front, it stood on the side of the plaza, at one end of which was the church where worshiped nearly all the residents who publicly worshiped at all. Thither, of Sundays and holidays, wended men in broad hats and sashes,

slashed trousers and many-buttoned jackets, and dames and maidens whose bonnetless heads were covered by the graceful *reboza*.

I can recollect no edifice at the other end of the plaza; those with better memories must supply the omission, if there be one. But I distinctly have in mind a hotel in that quarter where, it was said, was celebrated the first civil marriage after the adoption of the constitution; a ceremony, however, which was immediately followed by a religious solemnization in *facie ecclesie*. While on that subject I may mention that already and prior to the Mexican War marriages had been entered into before *alcaldes* who were foreigners. A little over three years ago I happened to be *almost* present at the fiftieth anniversary of the marriage of a venerable patriarch, who, with his wife (still retaining much of her youthful charm), and surrounded by his children and grandchildren, entertained his many friends. On that joyful occasion there was present another old settler, who, on the very same day in the year 1846, was married before the very same English *alcalde*, in this the Pueblo of San José.

When the Legislature met in 1849 the Mexican town extended for a limited space beyond the church. Nearly all the houses were made of *adobes*, with tiled roofs, and of but one story in elevation. There were *tiendas*, offering for sale every variety of dry goods and groceries consumed by the natives, and *fondas*, which the ambitious American "hotels" had not yet driven out of business. At a prominent corner was the *panaderia*, exhibiting the tempting loaves of the country, and a very important industry amongst a people who spent much of their time on horseback was that of the *sillero*, or saddler. I am sorry to add the *carcel* occupied a convenient place. I do not apologize for using Spanish words of the Mexico-California dialect, because before the winter was over these and many other terms had

become thoroughly Americanized—some of us, indeed, in an *ineffectual* attempt to learn another language, having almost forgotten our own.

And, Mr. Mayor, as you look around upon the great city over whose destinies you preside, of whose wealth and prosperity the magnificence of the reception it has extended to your visitors is an indication,—your great city with its manufactories, its massive business blocks, its elegant residences and shaded avenues,—it may conduce to *humility*, at least, to call to life the scenes of the past; to feel that even as the head of this great and beautiful city you cannot compete in *pride of place* with the municipal officer of an earlier day, who, clad in the conscious panoply of power, and with his gold-headed staff—the emblem of authority—in his hand, strutted his bailiwick, the terror of vagrant Indians and protector of the unconscious victim of *aguardiente*.

#### THE GREAT SEAL.

When we consider the peculiarities of the native Californians and the varied characteristics of the vast immigration that poured into the country from every quarter of the globe, it is not strange in its social aspect California should have presented much of apparent confusion.

The convention at Monterey had provided a *coat of arms* for the coming State. It is a queer commingling of classic mythology and modern prose.

Minerva, full-panoplied, leaps from the brain of cloud-compelling Jupiter. This feat is successfully performed in startling proximity to a pioneer miner. *His* equanimity is not disturbed; *he* would not be surprised to see a whole drove of Minervæ in "Californy." The other witness, a retiring grizzly, is more prudent, and turns towards the phenomenon a countenance wherein is depicted an expression of cautious curiosity more becoming a modest coyote than the ambitious beast



which disputes the monarchy of the forest. It was clever to emblemize the sudden upspring of an Anglo-Saxon empire upon these shores by a representation of the instantaneous birth of the Goddess of Wisdom. Also, when a few pioneers, assembled in the adobe-fenced plaza at Sonoma, resolved to rear a rallying standard, they could have selected none more significant of determined courage and stern self-reliance than the "Bear Flag." But why *both* in the State seal? Why disturb the unity of the conception and distract the attention by the alliterative grapes and grizzly, or by the miner and the ship, the farmer and his plow, etc.?

Caleb Lyon, of Lyonsdale, is said to have received for the bear and ship, the miner and grapes, etc., etc., eleven hundred dollars. The young army officer who suggested the Minerva got nothing but the consciousness of not having violated the unities.

#### MUNICIPAL LAW.

But if our State seal is somewhat mixed, it is a fitter illustration of the condition of California when the Constitution was adopted and the machinery of the State government was set in motion. The municipal law and social life were alike disturbed. Before this, two kinds of law had been in operation in the same country. Thus, after the Goths and other Northern tribes overran the provinces of the Empire, there were places where two distinct systems prevailed; one controlling the conquerors, so far as anything controlled them, the other regulating the conduct of the members of the subjected race in their relations with each other. This continued till the civilization of the vanquished made permanent conquest of the victors, and the Roman civil law, mingled somewhat with the customs of the invaders, became the law of the cultivated portions of the continent of Europe. Such co-existence of separate codes obtains when two peoples, both advanced beyond



savagism and each ignorant of the manners of the other, meet face to face on the same soil. But the problem which met the later pioneers of California was more complicated than that to be solved by the Visigoths in Spain or the Lombards in Upper Italy.

The immense immigration which followed the discovery of gold, brought into conflict two principles of international law. The first is, that a colony from a civilized nation to vacant territory carries with it the laws and usages of the parent state; the second, that the laws and usages of a conquered country *remain in operation* until changed by the conqueror. Some parts of California had been long settled and improved, while in much the larger portion the Mexican population was so inconsiderable as hardly to constitute an element in a numerical estimate of the whole. Hence arose a pleasing variety in the modes of determining litigation. In Los Angeles, and in San José, perhaps, were a few accomplished civilians familiar both with the sources whence was derived their own beautiful system, and with the Spanish and Mexican decrees and statutes by which that system had been modified. Elsewhere in the South a rude justice, fitted to the business and affairs and suited to the tastes of a pastoral people, was dispensed in inferior tribunals; sometimes by a *juez del paz* as dusky as the Supreme Judge of a reconstructed State, who is said to have been so dark that the whole bar could not enlighten him. In Sacramento, where "Pike" was in the ascendent, judgments were rendered "according to the course of the common law and the Acts of the Missouri Legislature"; while in San Francisco was a wonderful tribunal. There, the Judge of First Instance assumed a jurisdiction unlimited as to parties or subject matter. All was fish that came to his net. His was a court civil and criminal, taking cognizance of matters spiritual or in probate, matters maritime or in admiralty, matters at common law or in equity; yet always recog-

nizing the rule of the civil law as paramount, when anybody could tell what *was* the rule of civil law. It has been said, that towards the last just thirty minutes were allowed to each trial. Now, in the winter of 1849-50 it rained incessantly four months and a half. In default of jury-room, twelve sufferers were not infrequently corralled in the uncovered "back-yard," to find a verdict upon the opening of plaintiff's counsel, or the testimony of the first witness. *They generally found it.* The clerk's name was Pomeroy, and the judicial opinions ended with the unvarying formula, "Pom, what's our fees?"

My first experience in a court of justice in California was not as a party plaintiff in a civil or defendant in a criminal action, nor as judge, nor yet as lawyer, or witness, but as a jurymen. In the summer of 1849 a schooner from Mazatlan drifted into the harbor of San Diego. She had seen heavy weather. Her dunnage had been moved aft, her nose stuck up in the air, and her bows were split wide open to the water's edge. Her only freight, indeed the sole food for passengers and crew, consisted of beans—just common, ordinary, vulgar beans—Mexican beans soaked in salt water. A suit was commenced before the Alcalde, and six of us were impaneled as jurymen. Now, in the first place, the Alcalde had no jurisdiction to try such a case, and in the next place, if he had had jurisdiction, he had no power to try it with a jury. But these trifling obstacles did not impede our progress. We tried the case and rendered a verdict. Our verdict was that the Captain of the Port—an officer who had no pretense of authority whatever to sell under decree of court—should sell the vessel and equipage, including the beans, and divide the proceeds among crew and passengers. As there would not be enough to go around, we generously waived our jury fees.

Our methods were somewhat irregular, but I guess substantial justice was done. How would it answer to



introduce a few more irregularities into the modern practice? I had innocently supposed that there was no more *technical* art than the art of sifting the truth from conflicting evidence; but on reading the Dreyfus trial, I am persuaded that this art should be conducted without any technicalities at all.

*from*  
I need only mention the settlement of conflicting rights or claims between those engaged in the mining industry. The evolution of legislative and judicial functions ~~involved in~~ the adoption of the "rules and regulations" of the several mining districts is one of the most remarkable proofs furnished in modern history of the truth that *law* does not originate in the arbitrary will of the State "prescribing what is right and prohibiting what is wrong," but in *customs* assented to by those whose conduct they control. The establishment of these mining regulations was the outcome of the constructive instinct of freemen, the ancestors of many of whom had lived under a system of local self-rule as to matters of local interest, and serves to show that *Americans* at least, (whatever some of us may think of the *Filipinos* or the *Cubans*,) are fit to govern themselves. In the last fifty years indeed we have waxen fat and lusty, and perhaps too many of us now believe that it is our destiny not only to govern ourselves, but arbitrarily to govern all other people whom we may choose to consider our inferiors. Thus, some of the superior race who extended the right of suffrage to the ex-slaves of the South, upon the plea that they were absolutely entitled to a voice in their own government, are now content with the shallow philosophy that attempts to disguise greedy aggrandizement, but the reality whereof may be expressed in the Puritan resolutions —

(First) "*Resolved*, The earth belongs to the children of the Lord."

(Second) "*Resolved*, *We* are His children."

Yet pioneers have no call to be ashamed of their

courts. As a rule, excellent good sense guided their action, and they gave what were then more desired than elaborate opinions,—prompt and decisive judgments.

^I have always considered somewhat absurd the endeavor to ascertain the jurisdiction of most of these ante-constitution judges by reference to the definitions of the Mexican law—definitions which few of them ever saw. They were a *fact*. They had jurisdiction because they exercised it—deriving their just powers from the consent of the neighborhood. The courts obtained jurisdiction just where the military governor got his civil functions.

#### LOVE OF COUNTRY AND THE UNION.

Then was tested the attachment of the pioneer Californians for their country and the Union—an attachment in which they have never wavered. The military commander, almost of necessity, assumed civil functions. Governor Mason I did not know; but some of us remember the last military governor, General Riley; not too scientific a soldier to fight, and not so much of a constitution-monger as to interfere with the natural course of events, he employed without ostentation, and surrendered without delay, such civil powers as were thrust upon him by an extraordinary combination of circumstances.

Notwithstanding, therefore, the uncertainty in respect to specific rules of law, it seems to me that never was the genius of the American people for self-government and its instinctive regard for justice and order, more signally displayed than throughout California in the interval between the close of the Mexican War and the commencement of our history as a State. The confidential adviser of General Riley during the time that brave old chief acted as governor was Pioneer Halleck, afterwards commander-in-chief of the armies of the United States. This name suggests a long list of pioneer heroes or hero pioneers. But I have only time to say that the



period of which I am speaking was before Pioneer Sherman went into the banking business near old Pioneer Hall, on Montgomery Street, San Francisco; and Pioneer Grant had not yet begun to pole that ferry-boat, which, if it crossed *all* the people who have since claimed an intimacy with the ferryman, must have carried more passengers than the famed bark of Charon. Speaking of barks, what would have been the consequences if the steamer Mint, forty tons burthen, had gone down in the gale off Islay Bay, on the fourteenth day of December, 1849? She carried the whole State government. My own opinion is, that the interregnum would have been short, since there have always been statesmen enough in California to fill the vacant offices. Ship and cargo were preserved, however, by the skill and coolness of Pioneers Woodworth and Simpson, and soon afterwards the members of the government reached San José in safety. They arrived by way of Alviso, in the hide-covered ox-cart-train, a class of vehicles closely resembling those in which the suite of the American Minister, Ross Browne, entered Pekin.

#### THE FIRST LEGISLATURE.

It was the task of the new government to bring order out of the apparent chaos of conflicting ideas and nationalities to which I have alluded. Upon the "Legislature of a Thousand Drinks," so-called, was imposed the duty of selecting as a basis either the "civil" or the "common law," and of erecting upon that basis a superstructure of statutes such as would protect the personal and proprietary rights of a cosmopolitan community, scattered over an immense extent of territory, broken by chains of mountains, and divided by vast rivers into separate districts.

The first legislature adopted the common law of England as the "rule of decision" in our courts, except where it was modified by the Constitution, Federal or



State, or by express statutes. No doubt the report of a committee of the Senate, singularly able though somewhat partial, influenced the action of both houses. If in that report there are historical errors, or inaccuracies in the analysis of the Roman law; if indeed the committee was mistaken in supposing that prior to the later and more corrupt days of the Empire the maxim, "The will of the prince is the highest law," was part of the Roman jurisprudence; or mistaken in the *meaning* of the maxim itself; still the fact remains that one controlling reason why the committee, and presumably the legislature, gave the preference to the common rather than to the civil law, was the belief that the former would more certainly secure the preservation and further the development of the great principles of civil and political freedom. Here again is evidence of the attachment of the pioneers to the principles of liberty which they sought to render perpetual by transmitting them to this and future generations.

The labor of preparing most of the legislation for the Assembly fell upon the Judiciary Committee of that body. Of the manner in which that labor was performed it does not become me to speak: I was part. The committee also included in its number Pioneers Crittenden and Randolph; and there were others, long since departed—bright intellects who helped to light this poor world of ours for a brief season, and then went out, leaving like the pastille but the faint perfume of a pleasant memory.

I do not think the law-makers who have since distinguished themselves in California can afford to despise the first Senate and Assembly. It is sad to remember that the work of the pioneer legislature was accomplished amidst the distractions of monte, faro, and lansquenet; of practical jokes, mostly of the sham-duel order; of quarter races and bull-fights, billiard-matches, and fandangoes. But the charitable inference said to

have been drawn by a reverend gentleman, (a late arrival,) that because there were opportunities to drink and play, all were drunkards and gamblers, is hardly a fair one. Each succeeding generation has sin enough to answer for: and perhaps there are faults even meaner than gambling and drinking, of which calumny is one. Had all been of the character attributed to the pioneers by this evangelist, they could not have accomplished so much of good. The pioneer legislature passed four-fifths of all the general laws now on the statute-books, more or less amended. It did not pass a single special law for the benefit of an individual or class; and I have yet to learn that it was ever charged that any measure was carried by corrupt or sinister influences. Can as much be said for all the successors of the "Legislature of a Thousand Drinks"?

#### SOCIAL LIFE.

I shall not detain you long in retouching the picture so often painted of the social life of those days.

There were retired washerwomen in diamonds. Some of these afterwards returned to the suds, and some died in the purple. Some were foolish virgins,—remaining silly to the last,—and some wise women, who tried to supply the want of schooling. There were "elegant ladies" who cooked their own dinners. None of them died of it; and some, having learned how, cooked for other people, and so—husband failing—laid the foundation of fortunes for their children. There were runaway sailors and butcher-boys and other low persons, (all of them, of course, inferior to *us*,) who "struck it rich," or otherwise became well-to-do very suddenly. The rapid accumulation of wealth by one previously acquainted only with poverty often led to indulgence in vices from which the newly made lord had before been protected by want of means, opportunity, or temptation. I am quite certain it brought to the surface every hidden

eccentricity of thought or manner. There was much of coarseness, much of reckless expenditure, much of wickedness, if you will; but there was very little of pretentious vulgarity. Manual labor was better remunerated, and therefore more respected than ever before, and, as a consequence, nobody was ashamed of any kind of honest work. The very insecurity of the titles by which fortunes were held, and the facility with which they were made and lost, rendered the lucky man of to-day considerate of the unfortunate whose place he might occupy to-morrow. Besides, what shall we aristocrats do? It is hard to "shake" the friend who knew us when we peddled potatoes or drove a cart. For myself, in my heart I have no sympathy for those who have come to grief. The disreputable person who in early days made money and lost it again, has long since, very properly, been dispatched to limbo; for surely there is nothing which so excites the just indignation of true republicans as a low origin. But some inferior "persons" who acquired fortunes in the "Fall of '49 and the spring of '50" managed to keep them,—nay, even to use them with considerable liberality; educating their children, aiding the less fortunate, encouraging laudable enterprise, patronizing the arts. The statute of limitations has run in favor of these. But whether we forgive them or not, their children will buy pedigrees, and we won't be here to point to the small beginnings of their fathers. In later years we have had in our cities some vulgar rich men, and even, strange to say, some vulgar poor men, but I doubt if we are worse than our shoddy-ridden neighbors. I doubt that there ever was a time when certain men prominent at least in Eastern "society" would have been possible in San Francisco or San José. Seriously, there has been talked a deal of nonsense about the confusion of social ranks in California in early days. Most of us rather liked it; any revolution must help *us*. Besides, all did not come from New York,

where the gradations of social position are distinctly marked, and where mere pelf, disconnected from honesty or refinement, never meets with the slightest consideration or respect.

The earlier of the foreign residents, pioneers of the first class, were gentlemen; Sutter, Reading, Larkin, Stearns, Murphy, Hensley, Bidwell, Marsh, Yount, and others, (a few of whom still tarry, but most have preceded us to another shore,) were all agreeable and notably polite companions. As individuals, they differed widely in acquirements and natural capacity. But if some had been denied an early cultivation, such had acquired a certain polish by contact with the native Californians, many of whom retained the high-bred courtesy of the *caballeros* of the time of the conquest. Now a sensual and materialistic generation, which belongs to its belongings, and upon whom the upholsterer and man-milliner have a lifelong lien, is apt to confound luxurious indulgence with true refinement. Such generation can hardly comprehend that elegance and beauty may as well be nourished by a diet of *tortillas* and *olla podrida* as by *pâté de foie gras* and *bourgogne*. But better than tessellated pavement or Turkish rug is an earthen floor and content therewith. Surely, there was as much genuine hospitality, as much kindness and simplicity, grace and dignity among the Spanish-American ladies of California as could be found in the same number elsewhere. Physically the equal of any man on earth, the *ranchero* reigned at the head of his dependents, and neophyte Indians—a chief. He had the air of self-respect and self-reliance, which, as observed by Macaulay, distinguishes the man accustomed to be surrounded by inferiors, whom he advises, governs, and holds in subjection. Whatever his faults, he had many virtues, which the pioneers of our own race, those who fought and conquered him, were the first to recognize and praise. The men who carried our flag

through the battles of San Pascual and San Gabriel never depreciated the noble qualities of brave and gallant foes, afterwards countrymen and friends.

#### THE MISSIONARIES.

They were the first pioneers, for the conquest of the American Continent from the rude sway of barbarism had been progressing hardly three centuries when a few missionaries—always the harbingers of civilization—wended their way from Mexico to Upper California. The Spaniards found the Indians of this region comparatively docile and tractable, but nevertheless, many a bloody struggle ensued before the white man was the acknowledged sovereign. I shall not dwell upon the risks assumed and hardships endured by the missionaries of the Cross from the hour they passed the head of the Gulf until the first priest gazed upon the magnificent Bay from the promontory where now smiles the Queen City of the Pacific. Their enthusiasm was sustained by a faith that all suffering was as naught if borne in the service of their Lord and Master. The showy ceremonial of the Church may at first have attracted the simple aboriginals, but the earnest piety of the teachers soon gained from their hearts a willing and permanent obedience. The Indians accepted the priests as instructors in matters material as well as spiritual, and became conversant with agriculture and others of the simpler arts. By the labor of the missionary and his neophytes the wilderness was made to “blossom as the rose.” Vineyards were laid out, olive groves waved in the breeze, fruit orchards yielded of their abundance, and thousands of cattle fed upon the hills; and long afterwards the weary traveler of another race and religion gratefully recalled the memory of the pioneer fathers as he bared his fevered brow beneath the shade of the *alameda* they had planted. We cannot grieve, if it be true, that a higher civilization has supplanted



theirs; but we must regret that the successive waves of progress have swept away so many of the monuments of the past. And we almost doubt the universal application of our democratic-republican maxim that every man must protect himself against the superior cunning and rapacity of others, when we observe that of the many thousands of Christianized Indians who once dwelt peacefully in our beautiful valleys, perhaps not three hundred remain; all the rest, the victims of our vices, crimes, and selfish social organization.

#### THE AMERICANS OF THE NORTH.

After the secularization of the Missions, the Indians were settled upon the *haciendas* from Sonoma to San Diego; their *rancherías* furnished the *vaquero* and farm-laborer, and the inferior lived in cheerful subordination to the superior race. But it required a complex society and more energetic people to develop the resources of the region they occupied; Spaniard and Indian must give way to the citizens of the United States of the North. Already and before the change of flag at Monterey, the enterprising and sagacious — the wise men of the East — had anticipated a prosperity for California, and had even projected schemes for the establishment of a colony upon the margin of the great Bay where nature had indicated the site of the coming metropolis. Doubtless, as the teeming productiveness of our soil and the charms of our varied climate became known, a very considerable population would have been drawn to this Coast. But the almost boundless extent and exhaustless wealth of the Valley of the Mississippi were open to the European and Eastern settlers, and our fruitful soil and mild climate of themselves alone would have induced comparatively few to tempt the mysterious dangers of the “unknown region” that lay between. It was the apparent design of Divine Providence that a great population should be suddenly massed upon the

Pacific Coast, thus flanking the desert plains and mountains of the interior. Some extraordinary reward must be held out to the enterprise of the world; some, too, of the almost insuperable obstacles to the support of vast armies of immigration must be removed. Hence, the preparation by the Latter-Day Saints of a resting-place — where the pilgrim caravans to the land of gold might be refreshed and supplied. Surely, nothing less than the desire to evade religious persecution would have induced that singular people to pitch their tents in the desert valley of the Great Salt Lake. Hence, too, the *discovery of gold* in California. These are instances among many in the history of mankind where great designs have been accomplished through the instrumentality of agents themselves seeking some other object, or ignorant of the momentous character of the events in which they took part. Ah! they who came to Christianize the Indians were few; those who rushed hither to snatch the glittering prize, gold, were legion. Parthians and Medes and dwellers in Mesopotamia! The quiet German brought his sturdy sense and colored meerschaum all the way from the vine-clad hills of the Rhine; the native of Connaught, having heard this was a *grazing* as well as a mining country, imported a healthy pair of calves from Wexford or Wicklow. The keen-nosed Yankee elbowed his large-jawed neighbor from the West, the college graduate struggled for precedence with the man guiltless of the alphabet, and the delicate clerk from the city office bared his arm for the contest with the bone and muscle of the hardy rural laborer. In the long *queue* at the post-office window the man in the dress hat and patent-leather shoes had ample leisure to study the name and address printed in white letters across the shoulders of the india-rubber overcoat in front of him. This last inevitable garment was persistently worn, not only in San Francisco and San José, but in Stockton and Marysville, with the

thermometer at one hundred and eight degrees. It was supposed to be the correct garb for a bold adventurer, ready to tackle any weather, and it was marked because the wearer expected to die in it, and wanted to be assured of *post-mortem* identification.

Each individual of all these thousands in time found his place; but in the beginning nearly every one attempted to delve his fortune out of the gold-bearing earth. It is not my purpose to describe the characteristics of the early residents in the mines. That strange existence! Its indifference to all known conventionalities; its bold exhibition of peculiarities of morals and manners; its hopes and disappointments; its gambling, shooting, fun, and tragedy; and its *poetry and pathos* withal — are they not written in the chronicles of Bret Harte? If few gained what they sought, let us hope that the experience of some brought a treasure more valuable than gold — the priceless wisdom of content. For better or worse, all changed. Recall the day (my old friend) when first from the Sierra Nevada you cast your eyes upon the grand panorama that was unfurled as the morning mist rolled away. Do you not doubt your own identity? Do you not look back over the long series of ups and downs, successes and failures, with a strange feeling of curiosity and wonder? Are these two, who gaze upon each other from the opposite ends of a long vista, lined by the deadened, leafless forest trunks of fifty years, *one and the same*?

#### A PERSONAL REMINISCENCE.

Without at once returning to the immediate subject of this meeting, will you permit me to indulge in a personal reminiscence?

I remember one hardly more than a *minor* ambitious to be a *miner* — an unsophisticated soul; his first three months in California were a chronic bewonderment. He stood upon the deck of a crowded steamer as she

ploughed her way through the majestic portal of the harbor of San Francisco. Her prow scattered in glittering spray the waves bright-tinged by the setting sun, and as he gazed entranced around him, he felt all the glories of a scene since so beautifully depicted by our own Charles Warren Stoddard. And when the thin white fog of evening came dancing down the slopes—

“Until the homely, sun-burnt Heads,  
The tumbling hills, in browns and reds,  
And gray sand hillocks, everywhere,  
Are buried in the mist that sheds  
Its subtle snow upon the air.”

Was ever a town-picture like that visible from the ship? A city of pellucid cloth, through whose alabaster walls shone the thousand lamps of busy men, its canvas streets climbed the mountain steeps, since sacrificed to the malevolent spirit, the grim destroyer, “Official Grade.”

How ineffaceable are the impressions of the first day in San Francisco: The five-dollar breakfast of a pair of eggs and a cup of black coffee! The honest miner in the Parker House, who put eleven hundred ounces (say, eighteen thousand dollars) on the *caballo* and lost like a man—or a fool. Pioneer Brannan was gesticulating a harangue to an armed crowd in front of the office of Alcalde Leavenworth on Clay Street; while at the corner above the captured “Hounds” were being tried before Pioneers Gwin and Semple—Pioneer McAllister for the prosecution. Pioneer Stevenson was as busy that day as he was every day until he died. Some there were, however, of simple tastes, utterly oblivious of the many lively scenes about them. These were absorbed in an innocent game of blind-man’s-buff—an amusement not differing from the child’s sport of the same name, except that it was played for baskets of champagne, and the game was won when the blinded man succeeded in grop-

ing his way from the City Hotel to the flagstaff in the center of the Plaza — now known as Portsmouth Square. At night the young man packed his blankets across a narrow foot-bridge to sleep in the garret above the Bank of Plum and Burgogne.

#### THE ADMISSION OF THE STATE.

And so the great American people occupied the land. An eager, restless, nervous, buying, selling, laughing, struggling population; thinking well of themselves and somewhat despising the rest of mankind; digging gold, much of it to be squandered, and building towns, most of them to be burned by fire or flooded by water; yet, always advancing in wealth and prosperity until the day when it was announced that the State had been admitted into the Union. Then to the blue sky went up the delighted and triumphant acclaim of this many-sided people; while thousands of grateful hearts were bowed in pious thankfulness that at last California was recognized as an equal and integral part of our glorious country. It had been the habit of some to speak of "the States" as of a foreign land; but from that day men breathed but one sentiment. We felt that we were no longer united to the great Republic only by commercial relations, or even by a common love of freedom, common memories, and a common history, but that we were indissolubly connected with it by political as well as personal ties. This sentiment has grown with our growth and strengthened with our strength. Again and again did the recurring events of the Civil War call into open and prominent display this Union love, always profoundly cherished in the heart. And when the trans-continental railroad was completed our rejoicing was loud and universal; not only because we hoped and expected immediate material advantages, but also because we hailed that great work as the first of many iron ligaments which should bind the densely peopled shores



of two oceans in inseparable conjunction of mind, will, affection, and interest.

Nor was the joy of our people mingled with fear that they had helped to make a power stronger than their government, perhaps stronger than the people themselves.

In "Frankenstein" the hero discovers the secret of creating life. He brings into existence a giant body and mental faculties, but fails to endow his creation with a soul. The result is a *monster* which ravages and slays, and ends by seeking to destroy its own creator.

The legislature has been able to give to corporate bodies almost everything else that belongs to the individual man, but as yet has not been able or willing to confer on them a sense of moral responsibility.

#### CONCLUSION.

We cannot, if we would, separate our pride in our own State from our love of all the States. When, in mental contemplation we behold our own beloved California in the Pantheon of Nations, her majestic form reclined upon her mountain couch of gold and the rippling tide of a mighty ocean toying with her marble feet, we see her surrounded by the grand figures of her sisters — composing a group, the admiration and delight of the people. But already we boast that we are citizens not of a single State, but of a wondrous empire, stretching from the blue lakes which part us from the British Dominion on the North to the Great Gulf of the South — opposite to which no longer sits the foreign power that once held the Islands in subjection. A mighty empire, extending from the Atlantic-beaten cliffs of farthest Maine to where the surges of the Pacific lave the cleft mountains of our own beautiful Golden Gate — with its outlying provinces on the great ocean beyond! May generous legislation and fraternal love produce their natural result — unending harmony within

our borders! May all hearts throughout the vast expanse of our territory respond in sympathetic unison to the electric thrill of every living thought, every noble impulse, so that—old disputes ended, old quarrels healed—there shall be no rivalry between the citizens of our dear country, save the rivalry of self-denial, magnanimity, and patriotism! A few years hence if our children shall celebrate the returning anniversary of the first meeting of the California legislature, the last of the pioneers who took part in founding the State, with bent form and whitened locks, shall assume the place of honor amongst them. And as he shall hear a speaker, more worthy of the theme and the occasion, rehearse the eventful story of his contemporaries, it will be the old man's proudest reminiscence that he too performed his part in extending the foundation of that great Temple of Liberty whose base shall be broader than a continent; beneath whose protecting shadow shall dwell in peace and prosperity more than a hundred millions of free-men; AND THE GLORY OF WHOSE SUMMIT SHALL ILLUMINE A WORLD!











The Tariff Bill—Japanese and Chinese Competition with  
American Industries.

SPEECH

OF

HON. DUNCAN E. MCKINLAY,  
OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

*Tuesday, March 30, 1909.*

The House being in Committee of the Whole House on the state of the Union and having under consideration the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes—

Mr. MCKINLAY of California said:

Mr. CHAIRMAN: I did not expect to take part in the debate on the bill now before the House for consideration; but as the discussion has gone on and the various view points from which Members look upon the proposed tariff bill have been submitted for consideration, it has become apparent that there is still the same old issue between the propositions of a tariff for protection on the one hand and tariff for revenue on the other. But on the Republican side there seems to be a tacit agreement that the measure of protection contained shall be the difference in the cost of production in the foreign country and our own when foreign goods are brought into the American market to be sold in competition with home manufactures. But I have noticed throughout the discussion, when reference has been made to those nations which might compete in the American market with home industries, reference has always been made to European countries, with now and then an allusion to Canada when the lumber and timber schedules are mentioned. This is natural, for throughout all the tariff discussions that have taken place in the American Congress since the formation of the Union, when various tariff bills have been under consideration, American statesmen have been compelled to consider only European competition, and when European cost of production could be ascertained and reasonably well gauged, a certain basis has always been indicated which should determine the measure of protection on American products.

But since the last tariff bill—the Dingley bill—was framed and passed new elements of competition have developed, and those elements are now rapidly becoming a controlling factor in the cost of production throughout the world. I allude to the fact that the great oriental countries, which throughout the history of the world, up to a few years ago, have been considered consuming countries from the standpoint of manufactures, are now becoming themselves, at a tremendously rapid pace, manufacturers, producers, exporters, and competitors, not only for their own consumption, but for the markets of the world,

which markets include the American market, as well as the European.

The United States has been able since the universal use of machinery in manufactories has come into play to successfully compete with Europe. We have been able to do this and still pay double and treble the wages Europe has paid, and in some instances produce the article cheaper than it could be produced in any European country. We have been able to do this; first, because we have had the raw material at our doors, and, again, our country has developed very rapidly in the accumulation of wealth with which to capitalize every form of industry; but principally our universal system of education has developed keener intelligence in our working classes, and the inventive genius of the American mechanic, sharpened and stimulated by education, has invented machinery of highest efficiency and of the greatest labor-saving capacity. And supplementing these agencies, our enterprising business men and captains of industry have had the intelligence and the nerve to enable them to discard obsolete machinery and constantly reequip their industrial plants with the latest labor-saving devices, and thus through the efficiency of abundant capital, labor-saving machinery, inventive genius, and the natural intelligence of our American mechanics, we have been able to overcome the great differences in wages prevailing in Europe as against the United States. [Applause on the Republican side.]

Europe, on the other hand, has been slow to change her methods of manufacture and production. As a rule, they have clung to obsolete machinery and to old-fashioned business methods, and consequently we have been able as a manufacturing nation to hold our home markets against European competitors and also in many cases, particularly within the last ten years, successfully compete in other countries for a share of foreign business. If these conditions should continue and no new elements of competition enter into the equation, I believe we might, with safety, concede a great deal to our Democratic friends as to the advisability of enacting a tariff for revenue-only measure.

But the conditions I have indicated will not continue; they are at end already. The competition of Europe need no longer be feared by the United States: a new industrial rivalry is forcing itself into the arena of the world's affairs. And that rivalry is of the Orient. I do not mean by that Japan alone, although Japan is the leader of the oriental countries, but I mean the oriental countries combined. For six thousand years the greatest of oriental nations have been bound up in the shackles of class prejudice and extreme conservatism. They have not cared to mix in the general affairs of the world; they have asked only that their isolation and conservatism be respected. But within the last fifteen years all this has changed. World-wide movements of trade and commerce and of international agreement and disagreement have resulted in opening the Orient to the free play of all the influences and agencies of twentieth-century civilization and progress; and now we find in the countries surrounding the Pacific Ocean competitors in production and manufacture, as well as consumers of the products which we are anxious to dispose of in order to maintain in continued operation our home industries.

There are 800,000,000 of people in the lands bordering the Pacific Ocean, not considering the United States, and of these 800,000,000 of people, two-thirds at least are laborers. In China there are 432,000,000 of people, according to the latest report. Three millions of these belong to the well-to-do class and the balance are workers. In Japan there are 50,000,000 of people, not counting the inhabitants of Formosa, which island contains 3,000,000 more. And of this great total of the inhabitants of Japan, 46,000,000 depend on labor. In India there are 200,000,000, and scattered through the islands of the sea and South America there are peoples who will make up the sum total of 800,000,000.

Now, the point I wish to make is this: When these hundreds of millions of the peoples of China, Japan, Korea, and India begin to use up-to-date machinery under the management of skillful men, imported from every industrial center of the world, assisted by capital furnished at the lowest possible rates of interest by the government itself, begin to manufacture cotton goods, woolen goods, steel and iron products, wooden products of a hundred different kinds, leather goods, and numerous other varieties of manufactures, will we sell our manufactures in their country or will they sell the products of their mills and factories in ours? I contend, Mr. Chairman, that a careful study of the conditions which I have briefly indicated, which are rapidly developing in the countries bordering on the Pacific, will demonstrate that there never was a time in the history of the United States when the principle of protection should be more carefully guarded than in the present hour. [Applause.]

For a moment consider the conditions in Japan, the great leader of the oriental peoples, and I will not speak of the splendid ability she has displayed in the conduct of her wars with China and Russia, but in the marvelous progress she is making in establishing an industrial system that within a decade will market its products in every country of the earth. I have had the advantage of some travel in the Orient, and for a good many years I have been studying oriental conditions, particularly those of Japan and China, and I believe the facts which I now desire to submit to the House, if estimated at their proper value, will have something to do with determining the schedules of duties which will be imposed in the tariff bill now under consideration.

In the first place, I want to point out that our trade with China, Japan, Korea, Manchuria, and the islands of the coast of Asia is diminishing and not increasing, and this is owing to the fact that already the competition of Japan in almost every line of manufacture is displacing American products.

I was in Tokyo in 1905 at the time the period of the suspension of hostilities between Japan and Russia. It was after the great battles had been fought on the plains of Manchuria and it was while the President of the United States was endeavoring to bring the opposing nations together in a treaty of peace. It was my good fortune on two different occasions to have an interview with Marquis Ito, who is called the "Gladstone of Japan," and who at that time was the chief adviser of the Emperor and leader of the council of elders, and who was and



is, without doubt, the greatest constructive statesman of the Empire. Marquis Ito is not the viceroy of Korea, although he is an aged man, being at least 75 years of age; because of his great ability he has been intrusted with the duty of firmly establishing Japanese influence and power in Korea. On the two occasions upon which I had the honor of talking with Marquis Ito the subject of the exclusion of Japanese laborers from the Pacific coast was brought up. The Marquis, knowing I was from California and the only member of the Taft party from that State, and, in fact, from the entire Pacific slope, inquired of me why Californians were opposed to Japanese laborers going to that State. He said to me, in substance, as I recall the conversation, that he thought Japanese laborers would be a great boon to California; in fact, he said he could not understand why the United States as a nation would not welcome millions of such laborers as Japan had to send to another country. He said the Japanese laborer was sober, docile, expert, and faithful, and, he said, taking everything into consideration, he believed they were as good laborers as could be found in the world. And he asked me this question:

Why not take the Japanese laborer to man your cotton mills, your woolen mills, your boot and shoe factories, and your many other agencies that require the use of labor? And thus, with your up-to-date machinery, and your expertness in using capital in large sums, and with the cheap labor that would come with the employment of Japanese workmen, you might be able to produce so cheaply the articles required in the world's markets that you could undersell all other countries.

"But," I asked him, "how about the American laborer?" I told him that in our country, though political parties might differ on matters of expediency and policy, nevertheless there was a unanimity of opinion that the standard of the living and the opportunity of the American workingman must be maintained as high as possible, even though we were compelled to close our doors to such labor as he described; that with us, despite our eagerness to accumulate wealth, we still estimated the American citizen of more value than the American dollar. The marquis replied that there was no need for controversy between Japan and the United States over the admission of Japanese laborers, because, he said, it was Japan's policy to keep her laborers at home and employ them at home; that the Government of Japan did not want her laborers to go to any other country and furnish cheap labor to that country, because Japan herself was then laying the foundation of a great industrial system which, it was hoped, in a few years would give employment to substantially all the laborers of the Empire.

I remember well the conclusion of our second interview. He said, speaking of the conclusion of the war:

When we get back those million men from the armies in Manchuria and the ships on the sea, we are going to train them in industrial and productive employment of every kind. We are going to send our bright young men into the world to learn every trade and craft and every kind of business system, and some day we will be able to make goods and products so cheap that you people of America will buy them from us, and so we prefer to keep our labor at home.

And I apprehend he said the going of Japanese laborers to America will never cause any serious difficulty between the two countries.



Since then I have closely watched the rapid development of Japan and her increasing influence over China, Korea, and Manchuria, and I find that the words of the marquis have been more than made good. Any student of oriental trade and industrial conditions will tell you that mills and factories of every description are being established in Japan, China, Korea, and Manchuria, and these industrial enterprises are being established under the most favorable conditions. Japan has the most paternal government of any country in the world, and in every possible way the Government is assisting in the promotion of every form of manufacture, trade, and commerce.

In the first place, any company of reputation formed in Japan, if it can give a reasonable guaranty of good faith, can obtain governmental assistance in the starting of its enterprise. The land, probably, upon which the factory is to be built will be donated by the Government. Capital is loaned by the Government, directly or indirectly, at as low as 2 per cent interest, with a long time for payment. Then, when a factory is ready for the machinery, the Japanese business promoter, whether it be a company or an individual, purchases the very latest labor-saving devices and equips his plant with that kind of machinery. As I said before, the United States has an advantage over Europe in the kinds of machinery used and in our business methods. We use the latest and best machinery, and, though we pay higher wages than European countries, we sometimes produce at a lower cost of the product than is attained by them, by reason of the effectiveness of better machinery and better comprehension of business methods.

But this advantage is not on our side when we encounter Japan, because their mills and factories are being equipped with the very latest machinery the world can supply. And they even have the advantage over the American promoter in the buying of that machinery, as they can generally equip their factory for one-half the cost of equipping the same kind of a plant in the United States. It is done in this way: Their want of patent laws permits Japanese promoters and manufacturers to copy any kind of machinery. In equipping a plant in the United States, the promoter always buys the latest models of machinery, but he has to buy all the machines his factory requires at the market price. Now, we will say a certain machine that is sold for \$200 is to be used, and maybe the factory will require 50 such machines. The promoter must pay \$200 apiece for each of the fifty. Now, perhaps that machine could be constructed for \$50 or \$75; that would be the cost of the material and labor for that piece of machinery; but the American purchaser must pay \$200 just the same, because three or four pieces of that machine are patented, and a great part of the purchase price goes to pay royalties to the patentees.

And so in the United States or Europe the capitalization of a factory is largely based on the market price of the machinery. But the Japanese promoter gets around our patent laws. He sends over and buys one of our machines, takes it to pieces, and has a hundred more built just like it for probably one-quarter of the cost, and so puts machinery in his plant at much less the cost of his American or European competitor.

Then, when the industry is ready for operation, he begins to hire his labor; and what wage scale does he pay? Laborers in

factories in Japan, adult men and women, labor for ten hours for from 12 to 15 cents a day in American money. Common mechanics receive 20 cents a day, good mechanics 30 cents; and the highest skilled artisans of Japan, men whose hands can furnish the most delicate surgical instruments, watches, or astronomical instruments, receive 50 cents a day in American money. And remember, the supply of labor at these prices is absolutely unlimited.

Then, when the plant is ready for operation, subsidized ships go out into the world and raw material is purchased at the world's price. It is brought to Japan in subsidized ships and is manufactured in the subsidized factories of Japan; goes out in subsidized ships as completed product, and is distributed at the world's markets.

Now, these conditions which I have indicated are so rapidly developing in Japan are developing in every country of the Orient, and the elements entering into the cost of manufactures in which those countries engage are so rapidly lowering the cost of production that values are being unsettled on every side; and this readjustment of the cost of production is throwing all Europe into the realm of speculation as to what the outcome of this struggle for the control of the world's markets will be. The Congress of the United States should not be blind to these facts and to these conditions. I have a few extracts taken from our consular reports pertaining to Japan, China, and Korea which I hope I will be permitted to incorporate in my remarks.

For instance, a careful study of the latest consular reports will show that the United States is sending to Japan less of manufactured products each month, and this rule applies to the imports into Japan from all the countries of Europe. The nature of the imports into Japan clearly indicates the growth of their industrial system. In order to carry on the great scheme which has for its object the manufacturing and industrial supremacy of Japan throughout the Orient in harmony with her industrial policy, it has been necessary for Japan to establish a merchant marine. Along this line she has been eminently successful. The report of trade conditions in Japan and Korea by Raymond F. Crist, special agent of the Department of Commerce and Labor in relation to the increase of the Japanese marine says, on page 14:

With the increase of the foreign trade of Japan there has been a corresponding growth of its merchant marine through the purchase of ships abroad and the development of shipbuilding at home by favorable laws and bounties for ships constructed along certain lines. The present development of shipbuilding is the result of governmental aid, as shown by the rapid growth since 1896, when the shipbuilding-encouragement law and the navigation-encouragement law were enacted. In 1895 the merchant marine of Japan consisted of 827 steamships of 341,000 tons and 702 sailing vessels of 44,794 tons. At the close of 1903 there were 1,570 steamships of 657,000 tons and 3,934 sailing vessels of 320,000 tons. The tonnage of the steamships had nearly doubled and the sailing craft had increased over sevenfold between the years 1896 and 1903. During the recent war with Russia steamers aggregating 177,000 tons were purchased abroad and 27,000 tonnage was built in the Japanese shipyards, while the war losses aggregated 71,000 tons, netting an increase of 103,000 tons and raising the steamship tonnage to 790,000 tons at the beginning of 1905. Government encouragement has also resulted in the establishment of over 200 shipyards and 35 docks, and with this equipment there can be constructed merchant ships of upward of 6,000 tons and the largest men-of-war.

There are now vessels of regularly established lines plying between Japanese ports and Europe, America, Australia, Bombay, and Chinese,

Korean, and Philippine ports, all of which receive liberal subsidies from the Government. The subsidy rate is based on a speed of 10 knots per hour and for steamers of not less than 1,000 tons at 12½ cents per thousand miles, increasing with the increase of tonnage and cargo.

[Extract from report of Pacific coast chambers of commerce committee. By E. G. Babbitt, United States vice-consul in charge, Yokohama.]

#### SHIP SUBSIDIES.

Japan believes in subsidizing the building and operation of ships. That this has had a great influence upon the upbuilding of her merchant marine is unquestioned. Though a poor nation, she has continued to increase her appropriations for the encouragement of shipping. Her budget for 1908-9 carried the greatest amount ever appropriated by her, amounting to 12,390,695 yen, as follows:

	Yen.
Encouragement of navigation	3,483,955
Encouragement of shipbuilding	1,995,440
Subsidy to European route	2,673,895
Subsidy to San Francisco route	1,013,880
Subsidy to Seattle route	654,030
Subsidy to Australian line	425,782
Subsidy to far eastern service	530,000
Subsidy to inland Chinese navigation	800,000
Training of mariners	5,000
Lifeboat work	20,000
For calling at Korean and north China ports	50,000
Coasting service	351,000
Ogasawara (Bonin Island) service	17,000
Islands in Kagoshima	22,800
Oki Island	5,400
Hokkaido coasting service	180,553
Idzu Island service	7,560
Tairen service	140,000
Okinawa (Loochoo Island) service	5,400
Okinawa remote islands	9,000
Total	12,390,695

There is every indication that the subsidies paid to ships plying between Japan and America and Europe will be continued after the expiration of the present law in 1911.

Japan seems to be as far advanced as any of the great commercial nations in the establishment of beacon or coast lights and life-saving stations.

#### POSTAL SYSTEM.

In fact, the rapid development of the merchant marine of Japan has furnished more ships than cargoes, and Japan is now eagerly looking for new sources of business in order to employ her ships until her manufacturing and producing agencies increase their output to supply cargoes for the idle vessels. In this connection I want to say that the United States, up till a few months ago, controlled a very considerable market in Australia, our trade with Australia amounting to a little over \$30,000,000 a year. We were exporting about twenty millions to Australia and importing about ten millions. This trade was carried by the Oceanic Line of steamships. The line consisted of three first-class vessels, built according to the specifications of the Government of the United States and manned by American sailors and officers, and these three vessels made 13 trips a year to Australia direct, stopping at some of the southern Pacific islands on the route. The line never paid running expenses, the course to Australia being over 7,000 miles, the speed required being 16 knots an hour, and the peculiar conditions requiring all white crews. But, nevertheless, the Oceanic Company struggled on, in the hope that the Government of the United States would increase the subsidy for mail carrying over

that route from \$2 a mile, outward voyage, to four. Two or three attempts have been made since I have been in Congress to pass such a measure, and all have failed. The Oceanic Steamship Line has been discontinued, and we are rapidly losing our trade with Australia, and it will be a matter of only a few years until our manufactured products will be unknown in the Australian markets. There seems to be only one hope of relief in this line, and this is that Japan will use some of her great ocean liners in the establishment of a Japanese steamship line from San Francisco to Australia. But it would seem more likely that Japan would endeavor to herself absorb the Australian market lost by the stupidity of the Congress of the United States in failing to give necessary assistance to the Oceanic Company to keep open that great ocean highway of American commerce between the United States and Australia.

In the development of the Japanese industrial system, the Government gives assistance to every form of enterprise in various ways. Quoting again from Mr. Crist's report in regard to manufacturing, he says, on page 16:

#### MANUFACTURING.

##### INDUSTRIES ENCOURAGED AND FOSTERED.

The evident aim of the Government is to place Japanese manufactures on an independent footing. That this object has long been entertained is shown by the persistent effort made during the reign of the present Emperor to develop the manufactures which now flourish throughout the Empire. The manufacture of almost every commodity now made in Japan was begun under Government supervision and expense.

##### EFFECT OF MODERN METHODS.

This renaissance of Japanese manufacturing has had a correspondingly powerful influence both upon the quantity and character of the imports of the Empire. Great changes are observable in the kinds of articles demanded during the past fifteen years. Goods that were essential to the well-being of the natives in 1890 and were among its leading imports are no longer purchased abroad, but instead are manufactured in such quantities that the surplus is exported to other parts of the world, and in many instances to the countries from which they were previously purchased. Thus, instead of occupying the position of a buyer of her necessities from other countries, Japan has entered the ranks as a competitor for a share in the world's markets.

##### GOVERNMENT INITIATIVE.

Before the restoration the industries of Japan consisted mainly of the manufacture of porcelain, raw silk, lacquered silk ware, hemp and cotton fabrics, copper ware, paper, wood and bamboo wares, matting, sake, and soy. Upon the establishment of the present Government a systematic effort was made to stimulate the adoption of modern methods and to introduce machinery where it would create a greater output and perfection of product. Model factories and plants were installed by the Government in many industrial branches, such as for the manufacture of cotton, silk, and woollens, cement making, shipbuilding, various iron-working plants, glass, brick, match, and paper factories. The result was felt in an earnest study by the people of the methods used by western nations, and the early supplanting of more primitive methods, causing an immense increase in the manufactures of the nation.

In 1890 the exports of manufactured commodities embraced most of the articles whose initial manufacture was undertaken by the Government in the model factories established but twenty years previously. The value of the exports of manufactured articles was \$19,382,000 out of a total export of \$42,500,000. In 1900 exports of manufactures had increased to over \$28,000,000. In 1904 a further increase was recorded in the unprecedented export of over \$120,000,000 of manufactured articles out of a total export trade of \$159,600,000. This amount represented a vast expansion in variety of manufactures as well as in value. From the greatly broadened sphere of the post-restoration period the field of manufactures had further expanded, until in 1904 it may be safely asserted it embraced nearly all lines.



## STATE AID TO PRIVATE ENTERPRISES.

In addition to the establishment of model factories, the Government purchased abroad complete equipment for spinning and weaving mills and turned it over to individuals desiring to enter upon those lines of manufacture, with the privilege of using the machinery and paying for it on a long-time and small installment basis. On the other hand, to those who were desirous of initiating a new system of manufacture, but were deficient in capital, the Government loaned the necessary funds. Others were granted financial assistance by the State for terms sufficiently long to place them on a sound financial and industrial basis. In many instances within the short period of ten years the factories had been turned over to individual enterprise, and state aid was no longer required.

## OPERATIVES AND WAGES.

Between 8,500 and 9,000 bales of cotton yarns were made in 1904 by the Settsu Cotton Spinning Mill, located at Osaka, ranging from 10's to 20's, about two-thirds of these being 16's. These yarns are all made for export to China, Korea, India, other Asiatic countries, and the Philippine Islands. The bales are of 420 pounds net weight of cotton. The company is capitalized at \$750,000, of which \$700,000 is fully paid up. Upon this capitalization an officer of the company stated that for the past six months they had declared a dividend at the rate of 50 per cent per annum. An accumulated reserve fund of \$1,000,000 is annually being added to. There are seven mills, with about 7,000 operatives. The average daily wage is about 27 sen, or between 13 and 14 cents in American currency. As the operatives can live at about 20 sen per day the compensation is not so low as to be uninviting, and many are willing to serve at that rate. The company has separate boarding and lodging houses for male and female unmarried employees, where they live at a daily charge of 7 sen, although the actual expense is 10 sen daily to the company. That this philanthropy is not unusual is shown in the bonuses annually given to employees and other features of industrial enterprises looking to the betterment of their condition.

\* \* \* \* \*

## TARIFF SYSTEM.

Japan has a comprehensive tariff system. It is divided into three main classes: Dutiable goods, nondutiable goods, and prohibitive goods. For dutiable goods the tariff ranges from 5 to 40 per cent ad valorem. The tariff upon tobacco and alcohol is practically a prohibitive one.

Indications point to a great future for Japan in manufacturing. The Government encourages new enterprises of this character, and conditions seem exceptionally favorable for their ultimate success. There appears to be an incalculable amount of water power readily convertible into electrical energy. Some of this power is already utilized and much more is under way and in contemplation. One thing, we were advised, stood in the way of the utilization of the great water power of Japan—the use of water by the farmers for irrigation. But we were also informed that before the water reached the lands of the farmer its fall out of the mountains was sufficient to generate all the power necessary, and that the objections of the farmer would be overcome by demonstrating that the use of the water for power purposes would in no way affect its use for the purposes of irrigation.

There is also an almost limitless supply of labor in Japan which seems able to turn its hand to new vocations and master the details of new methods and machines in a short space of time. Through the ages they have used their hands in the making of fine fabrics and in the arts. At the time of the restoration there were dozens of different kinds of silks; hemp and cotton were woven into cloths and nets; fine porcelains were made; and the making of copper and lacquer ware was an art. The Japanese, as a people, have learned to use their hands.

## TRADE.

Japan has made great progress in her foreign trade since 1868. In 1869 she exported a little over \$1,000,000 worth of tea, while in 1907 her exportations were over \$6,000,000. In 1869 she exported \$2,900,000 worth of silk tissues, yarns, and materials, while in 1907 she exported \$80,000,000 worth. In 1869 the amount of coarse and refined copper which Japan exported is hardly worth mentioning. According to the latest statistics she is now exporting copper to the value of nearly \$15,000,000, her total export trade in 1907 amounting to \$216,000,000.

The United States is the principal purchaser of Japan's exports, the trade with the United States being 30 per cent of Japan's export commerce. China is Japan's second-best customer, and England ranks



third. The following table will give a comprehensive idea of the manner in which Japan's foreign trade is developing :

	1898.	1907.
Imports from—	Yen.	Yen.
Great Britain.....	71,552,065	116,192,437
United States.....	62,672,857	80,675,668
France.....	8,087,470	6,897,407
Germany.....	29,196,142	47,620,094
Exports from Japan to—		
Great Britain.....	10,251,934	22,267,763
United States.....	52,354,136	130,828,815
France.....	19,125,424	42,523,536
Germany.....	3,507,739	11,172,740

These extracts from the reports of Mr. Crist will show the methods employed by the Government of Japan to develop the industries at home, and I would recommend the study of these reports, particularly to our friends from the South who are interested in obtaining foreign markets for the products of their cotton mills. Again, turning from Japan to China, I desire to call attention of gentlemen to the fact that our trade with China is diminishing rapidly, particularly in manufactures, because of Japanese competition. In 1905 our exports to China from the United States proper and Hawaii amounted to \$56,149,917. In 1906 our exports were \$35,548,967; in 1907 they had fallen to \$29,153,746. What is the cause of this remarkable decline in our exports to China? It is the fact that China as well as Japan is becoming a manufacturer and producer and is entering into competition with Europe and the United States for the world's business, and China is first endeavoring to supply her own markets with her own factories, and when she does purchase from an outside country she gives preference to Japan as against the United States and Europe. I will insert in my remarks a number of extracts taken from Consular Reports, annual series, No. 29, China and Hongkong, trade for the year 1907, as indicating the great variety and the wide diversity of manufactures being exported from Japan to China, and I wish to particularly call attention of gentlemen from the South to the report on the cotton business of Japan and their exports to China.

\* \* \* \* \*

In the supply of clocks and watches Japan leads, with sales in 1907 amounting to \$214,259, against \$282,614 in 1906, while the sales from the United States amounted in value for these two years to \$49,714 and \$101,000, respectively. It would seem that the American manufacturer should make a better showing in this market, which could be done by the production of cheap clocks and watches suitable to the low price which the Chinese are prepared to pay.

The receipts of ginseng in 1907 amounted to 343,243 pounds, of which 173,475 pounds came from Hongkong, 119,361 pounds from Japan, 50,339 pounds from Korea, 157 pounds from India, 88 pounds from Macao, 66 pounds from the United States, and the remainder, 77 pounds, from Russia and Straits Settlements. The amount credited to Hongkong probably came originally from the United States.

#### HOUSEHOLD STORES—WINES AND MILK—DYES.

The importation of household stores is another line in which America caters almost exclusively to the foreign demand. The total imports in 1907 were valued at \$3,443,137, of which the United States is credited with \$1,436,170, the closest competitor being Japan, with about one-third this amount.

In the trade of wine, beer, and spirits the United States does not rank very high, notwithstanding the excellence of the American malt liquors introduced into this market from America. The proximity of Japan and the cheapness of the beer produced there makes that country the leading importer.

The hardware trade in China is worthy of American attention. During 1907 the sales from the United States amounted to \$98,750, out of a total of \$790,000, while those from Japan amounted to \$144,000. In regard to furniture, in which the United States should lead, an examination proves disappointing. The total imports into China in 1907 were valued at \$758,400, of which the United States furnished \$39,500, Great Britain \$202,230, and Japan \$237,000.

And again, on page 17 of Consular Report No. 29, we find what China exports in the way of cottons and cotton yarns:

#### WHAT CHINA EXPORTS.

In 1907 China exported 131,411,315 pounds of raw cotton, against 102,349,086 pounds in 1906. This cotton largely goes to Japanese mills, where it is manufactured into cloth to be sent back to compete with the foreign and Chinese woven article.

Turning from China to Korea, we find that country now passing completely under the domination and control of Japan. Korea contains 82,000 square miles, a great portion of which is fertile agricultural land. The climate is mild and agreeable. It is a land peculiarly capable of agricultural development. In Korea there are ten millions of people, and last year their trade approximated \$13,500,000, and this trade was principally in cotton and cotton manufactures. But of this \$13,500,000 the United States secured but a little over \$1,000,000, and \$10,195,000 came from Japan.

Of course, in the short limits of time accorded me, I can do no more than merely sketch the outline of the proposition I desire to emphasize. But the open door of the Orient, while it may be alluring as a doctrine to theorists and dreamers, is not proving to be of much benefit to the United States. Our country, as a whole—I mean by that our Government, our manufacturers, our exporters, and our commercial men—must quickly grasp the significance of our diminishing prestige in the Orient or valuable markets will be closed to us forever. And the time is rapidly approaching when the United States must depend upon markets outside of the United States proper for the sale of goods in order that our mills and factories shall continue in operation. We have developed as a Nation the most stupendous industrial system upon this earth. It has far eclipsed dreams of the most sanguine statesmen of twenty years ago, and in the last twelve years our national wealth has nearly doubled. Our industrial system has increased one-third, and last year our shops and mills and factories and forges turned out nearly \$15,000,000,000 of manufactured products. This stupendous sum total of manufactures has given work and wages to over 7,000,000 of employees of various kinds, and to-day over 30,000,000 of souls depend upon the industrial system of the United States for existence. It is the one great factor of American well-being that should be most carefully considered in the framing of the present tariff bill. Gentlemen on the other side continually harp about the welfare of the ultimate consumer, but they should bear in mind that in the United States the consumer is also a producer, that the 35,000,000 of people depend-

ing on our industrial system for the necessities of life are ultimate consumers, and no law can be devised that can separate the consumers and the producers of the United States because they are one, and the tariff law which is framed to give the greatest advantage to the producer at the same time takes care of the consumer.

You ask me, perhaps, why I have brought to the attention of this House the conditions of trade and commerce in the Orient and the diminishing prestige of the United States, or the fact that the United States is not acquiring the prestige she should in those great markets. It is easy sometimes to point out an evil, while at the same time it is hard to suggest a remedy; but if I may be permitted to suggest, I might say that next to the passage of a protective tariff bill should come the passage of a ship-encouragement and navigation-encouragement bill, to borrow the Japanese term, which would open the ocean highways to American merchant vessels. [Applause.] We should restore by reasonable legislation the Oceanic Steamship Line to its course from San Francisco to Australia; we should establish lines from Seattle and other Puget Sound ports to countries of the Orient, and particularly to the Philippines, and connect San Francisco with every land of Asia; and above all, as quickly as possible, the United States should be connected with every prominent port of South America, both on the eastern and western side. I sincerely hope that more careful study of the needs and necessities of American producers and manufacturers for foreign markets may cause Congress, when it meets in regular session next winter, to pass measures for the restoration of the encroached merchant marine. This subject should be in a spirit of fairness and conciliation, so that some legislation may be passed that will carry out the designs of Presidents Cleveland, McKinley, Roosevelt, and Taft. [Applause.]

Before I conclude, I desire to say a word in regard to a feature of the Payne bill which has not yet been discussed very fully, and that is in regard to the Philippine Islands, that part of the bill which applies to the Philippines. According to the latest reports I have been able to obtain, the trade of the Philippines amounted to nearly \$60,000,000—thirty-three or four millions of exports and about twenty-six millions of imports to the Philippines.

In 1904 the imports into the Philippines amounted to \$35,000,000, but since the cessation of hostilities and the withdrawal of a great portion of the army from the Philippines their imports have been less. Last year, I understand, they amounted to about \$26,000,000. Of this the United States secured only four and a half millions. Now, I submit that since we maintain sovereignty over those islands and are engaged in the great work of extending our civilization and form of government over those people, we should give them the same trade privileges we accord to any other Territory or dependency of the United States.

The Philippine Islands, in my judgment, if accorded the same privileges as other parts of the United States, will soon become a most valuable market for the products of the mills and factories of the United States. The Philippine group of islands con-

tains upward of 115,000 square miles and are inhabited by 8,000,000 of people, divided into 65 different tribes and portions of tribes. Conditions in the Philippines for many years prior to the American occupation were unfavorable to the development of agriculture and industrial progress. Revolutions against the authority of Spain occurred continually; these revolutions finally terminated, as everyone knows, in American occupation. Since the occupation of the Philippines by the United States and the establishment of a universal and, we believe, a permanent form of government, a change is taking place for the better. Ladroneism has been almost entirely stamped out and piracy extirpated, and the peaceful people of the islands, under the powerful government of the Philippine Commission, backed by the strength of the American Republic, are at last forgetting their old fears and troubles and are turning their attentions toward the development of the natural resources of their wonderfully rich country. The natural products of the Philippine Islands, in the main, will never come in competition with the products of the United States. It is true, tobacco and sugar may be produced in large amount, but, nevertheless, extensive production of tobacco and sugar can not be carried on unless a different kind of labor is imported there than now occupies the labor field.

When the Philippines came under the control of the United States the provisions of the Chinese-exclusion law were extended over the archipelago, a result of American supremacy, and thus it became impossible for companies to be formed for the purpose of taking up the lands in extensive tracts and cultivating them with imported Chinese labor. The natives themselves will never in any great degree perform the arduous and exhausting labor of cane cultivation. Therefore, I believe that if the Chinese laborers are excluded permanently from the islands cane culture will gradually disappear and the rich lands of the sugar districts be planted to hemp or rice or other products that require less labor than the culture of sugar cane.

I believe that the provision of the Payne bill, which admits 300,000 tons of Philippine sugar to the United States free of duty, is a wise provision. The records show that the highest point in quantity of raw sugar ever produced in the Philippines for export amounted to only about 360,000 tons, and of this quantity the Philippine exporter, after supplying a certain demand which he had in Hongkong and Japan, had little left to ship to the United States. I believe the fears of the sugar producers of the United States are groundless, and so long as the United States is compelled to import in the neighborhood of a million tons of sugar annually we can with safety indorse this schedule of the Payne bill.

In regard to tobacco, the conditions are substantially the same. The Philippine product will never seriously compete in American markets with the American tobacco producer, as the Philippine tobacco is coarse and rank in quality and would never be extensively used by American consumers. In fact, it has been stated to me by experts in tobacco that the provision of the Payne bill in regard to tobacco which might be imported from the Philippines would really stimulate the American tobacco industry, as the necessity of purchasing in the United



States a finer grade of tobacco for cigar wrappers would be developed under the operations of this bill, which provides that American products may go to the Philippines free of duty, providing Philippine products are admitted to the United States on the same terms.

The Philippine Islands are not now and probably will not be for many years producing sufficient rice for home consumption, and so the fears of competition with Louisiana rice would seem to be unfounded. Hemp and copra products, which are an important part of Philippine production, of course can never encounter any competition in the United States. As the great mass of people of the Philippine Islands gradually arise in the scale of education and better living, and turn from the old predatory and often haphazard way of living which has prevailed for so many years because of their revolutions and wars, their pests and famines, and become more settled in their life and occupations, they will gradually consume more of the products of the manufacturing countries like the United States. They are as a people ambitious and eager to learn and are anxious to advance in the scale of civilization, but, so far as I have been able to observe, they are of a softer nature than the hardy people of China and Japan. And, therefore, I believe their development will be along lines of production that will not require arduous labor, but still they will rapidly rise if the present conditions are continued, and their capacity to consume manufactured products will increase enormously. One of the greatest experts on Philippine affairs in the United States, a man who has traveled extensively in the islands, informed me but a few days ago that he was satisfied that within ten years, if the Philippine Islands were given the same privileges as Porto Rico and the Hawaiian Islands, they would be the consumers of a hundred millions of dollars of manufactured products annually.

If the Payne bill is made the law of the land, it should secure to the American manufacturer the trade of the Philippine Islands. And, thus, the market of the Philippine Islands, under the provision of this bill, should become a part of the great home market of the United States.

There is another feature, too, which I must mention in regard to the acquirement and preservation of home markets, and that is the so-called "Asiatic labor situation on the Pacific coast." Before concluding my remarks, I want to point out to manufacturers of the East and South that Asiatic laborers only purchase Asiatic products, and if the extensive plains and orchards and ranches and timber tracts of the Pacific coast are filled with Asiatic laborers, whether Chinese, Japanese, or Hindoos, there will be a tremendous loss to the manufacturers of the East. It was learned in California many years ago, when the Chinese-exclusion law was being agitated, that of every dollar earned by an Asiatic on the Pacific coast 80 cents was sent to Asia on the first of each month, and these conditions prevail to-day and will still continue to prevail. And, therefore, in the struggle that the States of the Pacific coast are making for the preservation of the coast from the invasion of Asiatic laborers, we are, after all, making a struggle to increase the markets for the products of the manufacturers of the East. If the vari-



ous avenues of employment of the Pacific coast are filled with white laborers and paid white men's wages, it will furnish ten times the market for eastern manufacturers than if the same avenues of employment should be controlled by Asiatic laborers. And, therefore, I believe that when this question is understood by the people of the East as it is understood by the people of the Pacific coast there will be little trouble in passing the necessary laws to preserve the Pacific coast a white man's country and a white man's market. [Applause.]

Concluding, then, let me say that I believe that this present bill should preserve strictly the protective principle in favor of American labor and American industries. Already the products of the factories of Japan are beginning to invade the markets of the United States upon the western side. We have had already consignments of cotton goods and boots and shoes of the cheaper quality, all kinds of brushes, many kinds of cutlery, and even schoolbooks, manufactured in Japan for American consumption. Already oriental manufactures are beginning to trickle through the protection dike; and if the stream is not stopped, the inundation will surely follow.

Again, I believe a study of the industrial conditions in Asia and the probable effect of the extension of the industrial systems of Japan and China will lead every patriotic American Congressman or Senator to the conclusion that it is absolutely necessary to as quickly as possible pass navigation-encouragement and shipbuilding-encouragement laws, so that we may begin again to secure our share of ocean traffic, and in doing so open and keep open markets for American products. The Philippine Islands should be given every consideration, so as to be brought in as close commercial and trade relations as possible to the United States proper. They are the richest possessions of the American Republic, and if treated with reasonable consideration will some day, in trade and commerce, repay the United States a thousandfold for all their acquirement has cost. We must remember that Seward was laughed at by the statesmen of the American Nation, and by the world as well, when he purchased Alaska for \$7,200,000 in 1867; but Alaska is now repaying her purchase price to the United States seven times every year; and so it will be in the Philippine Islands as time goes on and that wonderfully fertile archipelago is brought into the proper relations with the Republic.

Fortunately, we have in the seat of executive authority the man best qualified in all the Nation to give advice and to point the way to the acquirement of American prestige and of American markets in the nations of Asia. [Applause.] No statesman of all the world could more accurately indicate the necessary legislation for securing the proper political relations with the Philippines than President Taft.

No man knows better how to approach the statesmen of Japan or China in the adjustment of international affairs between their country and ours than does President Taft, and so far as California is concerned, I believe I voice the sentiment of the entire State when I say that in the settlement of the intricate and troublesome question of Japanese and other Asiatic labor immigration, that we are satisfied as a people and as a State that he will so handle the situation as to pre-

serve peace with Japan, retain that country's friendship, and at the same time guard against the coming of Asiatic laborers.

In the passage of this bill it is necessary that reason and conciliation shall prevail. As our country goes on and our civilization grows more intricate and our industrial and commercial systems more complex, new questions will constantly arise and old questions will reappear, and statesmen will take opposing sides and bitter controversies will result, but we must remember the science of legislation is imperfect, and administration must always have its faults, but the patriotism, the genius of government, and the honesty of purpose inherent in 90,000,000 American citizens will overcome difficulties as they arise, solve problems as they appear, resist encroachments of any power that transgresses national authority, and still when all is done the vast reservoir of American patriotism will remain undiminished and the mighty depths of America's devotion to liberty and higher civilization remain unsolved.

[Loud applause.]

79235—8163

O

# MORTGAGE TAX BILL.

## SPEECH OF HON. DAVID MEEKER, OF SAN FRANCISCO, IN THE ASSEMBLY, FEBRUARY 21, 1872.

The Assembly took up for consideration Assembly Bill No. 188—An Act to provide for listing and assessing all solvent debts, and to repeal an Act entitled “an Act to prevent double taxation,” approved April 1, 1870, and the Act entitled “an Act to relieve owners of encumbered real estate from double taxation,” approved April 4, 1870.

Mr. MEEKER—Mr. Speaker—

The SPEAKER—The gentleman from San Francisco, Mr. Meeker—

Mr. HARVEY (interrupting)—I hope the gentleman will permit the bill to be read again to the House, that all may understand it.

Mr. MEEKER—I do not care to have it read. I have read it over a dozen times. I shall repeat over the bill in what I have to say.

Mr. WHEATON—Will the gentleman from San Francisco allow me to offer an amendment in regard to the bill?

Mr. MEEKER—Well, no, sir; not at this time.

Mr. WHEATON—This bill has to be passed in some form or another. And I propose a necessary amendment.

Mr. MEEKER—Well, I am not to be deterred from making such remarks as I propose to submit to this House by any threats of that kind. The gentleman can reserve his amendment until I have finished, when he will have ample time to introduce and discuss it.

Mr. ANDREWS—I rise to a point of order. My point of order is, that the gentleman from San Francisco, Mr. Meeker has a right to go on with his remarks, and proceed in his process of annihilation. [Laughter.]

Mr. MEEKER—Since I have prepared the few remarks which I propose to make on this occasion, I have read in the morning papers the decision of the Supreme Court upon this very subject. But nothing I have read there has changed in the slightest degree the views which I entertain on this subject. But I merely mention this to show that I have carefully and attentively read that decision, and I proceed now with my remarks.

That duty which I owe to my constituents and to the people of this State, and which I hope to faithfully discharge, compels me to put this bill—Assembly Bill No. 188, now engrossed and on its final passage—to the test of the principles of the common law and possibly, to some extent, to the test of the Constitution of the State. The bill reads, Section 1, “All solvent indebtedness, whether evidenced by promissory note or other instrument of writing whatever, or existing only in parol, shall be listed and assessed to the owner or owners thereof for the purposes of taxation at their actual value. No debt the payment of which has been secured by mortgage due or otherwise shall be exempt from taxation.”

The Committee on Ways and Means, to whom the bill was referred, recommended the passage of the bill with the following amendment: “Provided that the debts owing shall be deducted from the amount of debts due.” This just and proper amendment was voted down by a large majority and the bill is now before us on its final passage as originally introduced by its author, Mr. Harvey.

The subject of providing a revenue for the support of the Government is

one of great importance, affecting as it does either directly or remotely all the industrial and substantial interests of the State. I look upon this bill as unconstitutional in its provisions, unequal and partial in its application and unjust in every feature.

The State Constitution, article XI, section 13, reads, "Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law." In the case of *The People v. McCreery*, 34th California Reports, the Supreme Court decided "that the provisions of article XI, section 13, of the Constitution are limitations and not grants of power; but its limitations are, according to their terms, mandatory upon the Legislature."

Thus it appears that the power of the Legislature over taxation is almost unlimited, and it is exceedingly doubtful if there is sufficient power in the Supreme Court, under the provision of the State Constitution on taxation, to arrest the most unjust legislation. In the case of *Falchner, Bell & Co. v. Hunt*, 16th California Reports, the Supreme Court decided that "land mortgaged may be taxed, without reference to the mortgage; and if the mortgage be to secure a debt the debt may be taxed; if to secure the payment of money the money may be taxed; but the Act does not intend to tax the mortgage *as such*, and also to tax the money loaned and secured by the mortgage, or the solvent debt which it represents." In the case of *The People v. McCreery*, 34th California Reports, the Supreme Court decided, under the head of "Double Taxation"; "The lender of money is not subjected to double taxation by reason of the statutory provision requiring payment of taxes on money loaned by him, and on solvent debts due him over his own indebtedness."

These decisions, upon a fair and proper construction, appear to sanction double taxation. The latter decision, in my very humble opinion, declares something to be the truth which is not the truth—(no disrespect intended). Let us carry out the principle here stated to its natural and logical conclusion, upon a hypothetical case: A loans B \$5,000 and takes a mortgage on B's lot; B erects a building on his lot costing \$5,000—the sum borrowed of A; this \$5,000 is represented in the building erected by B and is subject to taxation as a matter of course, while the money has been used in payment for the materials used in the construction of the building and for the various kinds of labor performed thereon. So much of the money as has been paid for labor has principally been used in purchasing the necessities of life, provisions, groceries, etc., which have been consumed; and this identical money has reappeared in the hands of other persons, in money or in property purchased with this money. And the same illustration will apply to the money paid for the materials used in the erection of the building, and this money which A loaned B, or its representative in property, though it may have passed through many hands or have gone out of the country, is under the provisions of this bill a proper object of taxation.

A more forcible illustration of this unequal mode of taxation may be made in another hypothetical and not improbable case. A loans B \$5,000, B loans this same \$5,000 to C, C loans this same \$5,000 to D, D loans this same \$5,000 to E, each party taking a mortgage on the property of the other. The property mortgaged is taxed as usual in each of these cases, while the money loaned appears, or is represented in improvements or other taxable property. By these transactions \$20,000 additional taxable property has been created, while in reality there is no more property in existence than when A loaned \$5,000 to B.

A brief illustration of this principle may be made thus: A is taxed on \$5,000 loaned B, B is taxed on his building erected with the money borrowed of A. With regard to taxing "solvent debts" other than mortgage debts, such as notes and book accounts, let us see how it will operate in practice. A holds notes and book accounts against his customers, (solvent debts) to the amount of \$50,000 for goods or articles sold and delivered; these goods or articles, whatever they may be, if not destroyed or consumed, are, at the time of the annual assessment, taxable property. If the goods or articles for which these notes and book accounts are held had remained in the hands of A and not been sold, they would of course be taxable property in his hands the circumstance of the sale of the goods or articles does not create any additional property or any more property than existed before the sale, and yet, under this bill *both* the goods and articles, and the debts arising from their purchase, are to be taxed.



Another case: suppose A holds notes and book accounts (solvent debts) to the amount of \$50,000, and owes debts to the amount of \$40,000, under this bill he is not to be allowed to deduct the debts he owes from the debts due him, and his whole property or capital might consist in the \$10,000, due him over and above the debts he owes, and he would be compelled to pay taxes on \$40,000 more than he is worth.

Another case, and one not improbable in reality: A owes debts to the amount of \$50,000 and has book accounts and notes (solvent debts) due him to the amount of \$40,000, he may have no other property than these \$40,000 of debts due him, and under this bill he would be obliged to pay taxes on \$10,000 more than he is worth.

If these hypothetical cases stated, which may exist in reality in numerous and more extreme cases than have been mentioned, do not prove conclusively and logically that this bill authorizes and imposes double taxation in an unjust and odious if not in an unconstitutional form, then language in my humble opinion is not an expression of ideas or of thoughts.

If the propositions contained in the hypothetical cases I have treated are correct in theory and logical in their conclusions, then properly deducible therefrom are:

*First*—To tax money loaned on property secured by mortgage and to tax the property mortgaged is double taxation, and the same if the mortgage is given to secure a debt.

*Second*—To tax book accounts and notes (solvent debts) whether the property or articles are or are not in existence for which the debt was contracted, even though the owner of these book accounts and notes is allowed to deduct his debts owing from the debts due him, is double taxation, and if the owner of debts due him is not allowed to deduct therefrom the debts he owes it is more than double taxation, and may be more than quadruple taxation.

*Third*.—Double taxation in any form must be unequal and not uniform, because it operates with great severity upon some persons and classes and not at all upon other persons and classes. Suppose the case of a farmer who owns a farm which, with the improvements thereon, stock, etc., etc., is worth \$10,000, and owes nothing and has no debts due him. He only pays taxes upon the value of his property and entirely escapes double taxation. Suppose the case of a merchant, who has a stock of goods worth \$10,000, and solvent debts due him to the amount of \$10,000—total, \$20,000—and owes debts to the amount of \$10,000, not being allowed under the provisions of this bill to deduct the debts he owes from the debts due him, he is assessed on \$20,000—\$10,000 more than he is worth—and being worth no more than the farmer, he would be unequally and unconstitutionally assessed.

With these examples the application of the principle can be made to a very large number of cases really existing and proving the great injustice of the principle this bill proposes to establish.

*Fourth*.—Under the provisions of this bill, taxing money loaned on mortgage, or taxing "solvent debts," reaches largely more than the actual value of all the property in the State, and more than exists in any form, consequently taxing imaginary and unreal things, and even by adopting the proviso allowing debts owing to be deducted from solvent debts due, would only modify and not prevent the injustice of double taxation.

*Fifth*.—The provisions of this bill, taxing money loaned on mortgage and book accounts, and notes (solvent debts), will reach and bear unequally upon every mechanic, manufacturer, merchant or business man in the State who has debts due him or debts owing.

*Sixth*.—Under the provisions of this bill, a man owing debts is taxed on what he owes, not being allowed to deduct his debts owing from debts due, and this will apply if debts owing may be deducted from debts due.

*Seventh*.—It is double taxation to tax the capital stock of corporations. If the stock be in a manufactory, the building, stock on hand, materials, etc., are taxed. If in a mine, the mine machinery, etc., are taxed. If in an insurance company, their funds are loaned out and appear in some taxable form. If in a bank, only its own real estate, fixtures, and own cash on hand should be taxed. Finally, it is wrong in principle to tax things that have only an immaterial existence or which cannot be seen with the eye, such as debt, stock, etc.

It is unwise in policy to adopt any system of taxation where wrong and inequality are so apparent that the people who pay taxes will feel justified in



evading them. Unwise, unjust and unequal laws tend to demoralize the people and lead them to distrust their representatives and those in authority over them.

Prominent in this bill No. 188 stands forth the author, Dr. Harvey, the bland and pleasant gentleman from Sacramento, demanding on an average three per cent. on what the poor man owes, and on what is due him.

Next comes the Chairman of the Committee on Ways and Means, Mr. Wheaton. Three per cent. says the Chairman; I reported this bill from the committee, and had a vote taken on it in committee, when the two members opposed to the bill happened to be absent; I was Assessor in the county of San Francisco, and for "ways that are dark and" means "that are vain" I am very peculiar.

Next comes the gentleman from Nevada, Mr. Days. Three per cent. says Mr. Days. I intend to "follow the will of God." I am after the *Duke* of Westminster and other wealthy lords in San Francisco with a sharp stick.

Next comes my old friend, Mr. Barnes, of Plumas, from among the "tall pines of the Sierras." Three per cent. says friend Barnes; I do not always decide a case before I hear the argument.

Next come that well matched pair, Mr. Berry of Sutter, and Mr. Andrews of Shasta, who are always ready to stand up for the people. Three per cent. say those gentlemen; our counties have not much wealth; the more we can get of State taxes out of San Francisco the less our counties will have to pay.

In conclusion allow me say, through an imperious sense of duty which I owe to my constituents who have so highly honored me with their more than generous confidence, that it has been with much sorrow and regret that I have heard indirectly, if not openly proclaimed on this floor, the determination to pass this (unjust and unconstitutional) bill No. 188 in order the more effectually to reach a *class of persons*, those who in most instances have, by their prudence, economy, industry and good management secured a competence and more than an average of worldly possessions. I hope at least that wiser counsels will prevail. I beg of you to reflect how much and only how much is due to that class of persons. It is they that having more than is necessary for their own purposes, endow institutions of learning and of charity, build up and support churches, aid all benevolent enterprises and some of whom are even more useful in their example and moral influence for good, than with the means they give.

What a sorrowful spectacle would be presented if the sick, the poor, the widow and the orphan were always left to take care of themselves! At least one-fourth as much as it costs to support the government in San Francisco is expended by voluntary contributions in works of benevolence and charity.

George Peabody received the thanks of the British Queen, for, as she expressed it, an unparalleled instance in English history, in donating several million dollars for the benefit of the poor and working classes of the city of London, and not forgetting his own countrymen, donated large sums in money and property for educational and other purposes in the Southern States.

A. P. Stewart, of New York, has erected an immense building in that city to provide a comfortable home for sewing women at low cost.

One of the finest buildings in New York, seen from Central Park, is a hospital supported by the voluntary contributions and with a princely munificence by the Episcopalians of that city.

Mr. Lenox, the son of a Scotchman, has donated \$1,000,000 for the establishment of a hospital for the benefit of the Presbyterians in the same city.

Volumes could be filled in relating the charitable and noble deeds of our distinguished countrymen, and I am proud of their honorable fame, whatever their origin may have been.

If the fiat has already gone forth, that this bill, No. 188, shall pass the Assembly, the hope is still left us that it will not pass the Senate; but if it should, there is the Executive Department still left, and if this bill becomes a law—unjust as it is—then let the mighty wheel of power—the Great Juggernaut—roll on and crush its intended victims. But, gentlemen, remember, oh! remember, there is one Great Tribunal—the bar of public opinion—from which there can be no appeal, and before that bar you and I must stand or fall.

338 1395 25.

# NICARAGUA CANAL:

## ADDRESS

DELIVERED BY

HON. JOHN F. MILLER,

U. S. SENATOR,

BEFORE THE

CHAMBER OF COMMERCE,  
BOARD OF TRADE, and  
MANUFACTURERS' ASSOCIATION,

OF SAN FRANCISCO,

JUNE 17, 1885

—•••—  
SAN FRANCISCO: BOSQUI ENGRAVING & PRINTING CO.

1885.



ADDRESS  
OF  
Hon. JOHN F. MILLER,

IN THE HALL OF THE CHAMBER OF COMMERCE,

SAN FRANCISCO, JUNE 17, 1885.

---

*Mr. President and Gentlemen:*

There was published in the New York *Tribune* newspaper, about five months ago, a document purporting to be an accurate copy of a treaty of recent date, between the United States and the Republic of Nicaragua, relating to the construction by the United States of a ship canal through Nicaragua, connecting the Atlantic and Pacific oceans. Vigilant as you gentlemen are known to be in all that concerns the commercial and other important interests of this coast, it may be assumed that this publication did not escape your attention. It was copied in a greater part of the newspapers of the country, and the public mind rests in the belief that the document in question was an authentic copy of a treaty then reported to have been sent to the Senate by the President, and at that moment supposed to be under consideration by that body.

Such is the faith of the American people in the truth and accuracy of the public press! The rules of the Senate forbid me, in this instance, to say aught which shall tend to disturb that faith, or to confirm and strengthen it. In all that I shall say at this time, there shall be no betrayal of confidence, no revelation of Senate secret proceedings, nor transgression of Senate rules. It is my purpose to deal with historic facts; with questions of public law; with public records, and with topics which have been the subjects of public discussion in and out of the Senate. Thus restricted, I propose to briefly consider some of the questions which have grown out of the proposition for the construction of a great waterway across the Nicaraguan Isthmus, to be mainly owned and completely controlled

by the United States! Whether the *Tribune* publication was a correct copy of a treaty or a pure fiction, it was sufficient to raise, and did raise (but not for the first time), the questions as to the advantages and benefits to be derived from the contemplated work; the responsibilities assumed; the obstacles in the way; the possible and probable international involvements; the policy of an extra-territorial national undertaking of such proportions; and many other questions and matters of fact and of public law, having relation to the subject matter we are about to consider.

Upon the hypothesis that such a treaty might have been made, or may be possible in the future, it is interesting to note that it provides, in direct and simple terms, for the construction of deep water communication between the Atlantic and Pacific shores of the two countries which unite in the enterprise; the one contributing the territory, and the other furnishing the money—the actual management and control to remain with the latter. The details of the proposed, or supposed, arrangement for the creation of one of the greatest public works of modern times are carefully set out, and need no explanation or elaboration here. Immediately upon the appearance of this *Tribune* treaty, the press in this country and elsewhere entered upon a general discussion of its provisions; and the most prominent question which engaged the attention of publicists and statesmen was the international question suggested by the existence of the treaty between the United States and Great Britain of 1850, known as the Clayton-Bulwer treaty. I propose to examine this question first, for if it be true that considerations of national honor and national safety are involved; if we may not proceed in the canalization of the Isthmus, without an unjustifiable disregard of treaty obligations and the danger of an indefensible war, wise statesmanship demands that we should pause.

There have been long, able and earnest discussions between the diplomatic representatives of England and the United States, upon the terms, construction and validity of the Clayton-Bulwer treaty, and the American case will probably never be better presented than it has been by Mr. Fish, Mr. Blaine and Mr. Frelinghuysen. These statesmen have all contended that the treaty, long since lapsed, became obsolete and inoperative as a restraint upon the United States in its assertion of the right of control over inter-oceanic communication across the American Isthmus, and I believe that their arguments have never been successfully answered.

In order to a clear comprehension of the issues upon the treaty of 1850 (Clayton-Bulwer), it is requisite to examine the antecedent history of the transaction, as well as the attending circumstances and the conditions and relations of the parties interested. As early as 1823, the Government and people of the United States had manifested a lively interest in the political condition of the Central American States, and in the canalization of the Isthmus. This interest found expression in the message of President Monroe, which contained the famous "Monroe Doctrine."



In 1825, Señor Cañaz, Minister of the "Republic of the Center," proposed to Mr. Clay, then Secretary of State, the project of a ship canal through Nicaragua, to be built by the United States, and owned jointly by the two republics. Mr. Clay received the proposition, discussed it and favored it, and it was made known to Congress; but the poverty of the nation at that time seemed to forbid the enterprise.

In 1830, the "Dutch Company," under the patronage of the King of the Netherlands, obtained a concession from the Government and Congress of Central America for a canal severing the Isthmus, to certain parts of which objection was made by our Government, although it contained a provision that, in respect to navigation and commerce, generally, the Netherlands and the United States were on an equality. Mr. Livingston, then Secretary of State, in instructions of July 20, 1831, insisted on two cardinal points in respect of the concession :

1. That the United States must be entitled to all advantages accorded to other nations.

2. That if the grant to the Dutch Company should not be completed, he desired to secure for the citizens of the United States, or for the Government itself, if Congress should deem the measure proper and constitutional, the right of subscribing for the stock.

In consequence of the revolution in Belgium, the Dutch Company failed to enter upon the work.

The next affirmative acts of the Government of the United States in respect of the proposed canal were the Canal Resolutions, which passed the House and Senate in March, 1835, and the appointment, in pursuance of them, by President Jackson, in May, 1835, of Charles Biddle, to proceed to Nicaragua to procure information as to routes, plans, surveys, and estimates for a canal. These resolutions requested the President to open negotiations with the Central American States and New Granada, for "the purpose of effectually protecting, by suitable treaty stipulations, such individuals or companies as may undertake to open communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the Isthmus, which connects North and South America."

In the year 1846, the United States again awakened to the importance of the Isthmus transit, and made the subsisting treaty with New Granada, now the United States of Colombia, by which the neutrality of the Isthmus, and the territorial control of the State of Panama, are guaranteed to New Granada, and under which the Panama Railway was built and its property protected. In 1848, when the United States was about to conclude a treaty of peace with Mexico, so great was the interest then taken in the subject of Isthmian control, that the State Department instructed Mr. Trist, that in arranging the terms of the treaty, in place of the \$15,000,000, which Mexico demanded for the cession of New Mexico and California, he might increase the amount to \$30,000,000, to

secure the right of transit across the Isthmus of Tehautepec. This offer was made by Mr. Trist, and rejected by Mexico! Thus it is seen that, even prior to the acquisition from Mexico of our Pacific possessions, the Government of the United States had repeatedly recognized the importance of the canalization of the American Isthmus, and had asserted its paramount interest in the Isthmian region. In truth, the evidences of the great solicitude felt on the subject by the ablest and wisest of our statesmen of that time abound in our historical records. After the acquisition of California, and the discovery of gold on the Pacific Coast, in 1849, the control of the Isthmian transit became a matter of the highest importance, and the liveliest concern in regard to it was manifested by the Government and people of the United States. It was then that Mr. Hise negotiated a treaty with Nicaragua, providing for the construction of a canal, on nearly the same route now selected by the American engineers, and which gave the United States complete control upon terms the most liberal and satisfactory. This sagacious and highly advantageous treaty arrangement would have been hailed with delight by the American people had its terms been made public; for it was confidently expected and ardently desired that a ship canal through the Isthmus would be speedily constructed either by the United States or by an American company chartered by the United States, and under its patronage and control. A company had been organized, and had obtained a concession, in 1849, which was recognised by the Hise treaty, and had that company failed to execute its agreement, other American citizens stood ready to embark in the great enterprise. And the people of the United States were ready to extend Government aid to the work. This treaty was forwarded to the Department of State, and there it was speedily put to death and quietly entombed. It was never presented to the Senate!

The cause of the suppression of that treaty was the fear of England, and upon that ignoble terror the Clayton-Bulwer treaty was founded! That was the inspiration of the negotiations which led to that ill-advised and most unfortunate segment of American diplomacy. To clear the way for that disastrous surrender of the American claim of control over the Isthmus transit, the Hise treaty was extinguished, and the American people remained ignorant of their betrayal and stupendous loss, until the great Douglas brought the timid authors and counsellors of the Clayton-Bulwer treaty to bay in the open Senate! England, with that clear foresight which has distinguished her statesmen and diplomatists during the greater part of her history, and mindful of the value and importance of the key to the Nicaraguan transit, uninvited and unsought, had established her protectorate over a handful of miserable Mosquito Indians, and thereby placed her seal upon the eastern coast of Nicaragua, including the mouth of the San Juan river, the eastern port and terminus of the proposed canal; and just six days after the treaty of Guadalupe-Hidalgo was signed, by which we

acquired California, an English fleet of war vessels entered the harbor of Greytown, and organized British control over that region! The title of the Mosquito claim was as naked as the savages, whose rights Great Britain assumed to protect. Hitherto, the sovereignty of the Mosquitos was of no higher grade than that of the monkeys with which they contended for the wild fruits that formed their subsistence! Never was there invented so grotesque a divertisement for the nations as that of England's creation, when she enthroned a clouded savage as king and sovereign, and masqueraded the wandering, unclad, houseless band of Mosquitos as a nation of Central America, and gave them dominion over a great river, which was probably destined to bear the ocean commerce of half the world!

This was the shadowy, unsubstantial and poor suspicion of title which formed the excuse and claim for the British dominion on the Nicaraguan coast, and it was this imposture which frightened the soul of the American Secretary into that inglorious treaty which perpetuates his name. Unreal, fraudulent and impudent as was the claim of Great Britain to the control of the San Juan river, by means of the Mosquito protectorate, it served its purpose, and forced, or led, this nation into an Isthmian partnership with an European power, in which British intervention was admitted, and American interests were engulfed and abandoned. It is no historical wonder that the canal was not built under the auspices of this foolish and fatal partnership. Mr. President, there has never been a time when the people of these United States have so parted with common sense, and have been so bereft of the faculty of judgment, that they would enter upon so dismal a venture as the construction of an interoceanic canal at the American Isthmus in copartnership with Great Britain! The American people admire the English, and have an exalted opinion of them, but they want no partnership with Great Britain in an American canal!

But the shadow of this ancient and obsolete partnership treaty is invoked to perform in 1885 the function it served thirty-five years ago—namely, to stop the United States, or its citizens, from constructing the canal. It is pretended that this nation is still fettered by a partnership agreement, the business of which neither party ever really entered upon; a partnership which was formed for a specific object, which was not attained nor attempted; a partnership agreement which, on the British side, was never thought of except to break its covenants; a partnership long since dissolved by the defeat and failure of its purpose, in consequence of the acts of one of the parties; a partnership made obsolete by the march of great events and the changes of national fortunes! Upon the face of the treaty, the object and purpose of it was to cause the speedy construction of a canal through Nicaragua; and it was declared by the treaty that the specific object of both nations was to promote the scheme for a canal, at that time in process of organization, under an existing concession from the government of Nicaragua. To that

end Great Britain promised and agreed that the impediment which she had intentionally raised by means of the Mosquito protectorate should be immediately removed; that the Mosquito claim was to be at once abandoned, and the mouth of the San Juan river left free under the undisputed sovereignty of Nicaragua. The immediate extinguishment of this pretended claim was one of the principal or moving considerations for Mr. Clayton's abandonment of the Hise treaty, and all its benefits and advantages, and the acceptance, in its stead, of the Clayton-Bulwer treaty. Great Britain industriously, continuously and conspicuously violated the letter and spirit of the treaty in the matter of the Mosquito protectorate, beginning with the day of its date and continuing for ten years. That protectorate was maintained until her treaty with Nicaragua, which was made on the 28th day of January, 1860. It was stipulated in the last mentioned treaty that "the British protectorate of that part of the Mosquito territory (claimed by the Mosquito Indians within the frontier of the Republic of Nicaragua) shall cease three months after the exchange of the ratification of the present treaty." The specific clause of the Clayton-Bulwer treaty which England violated is the first article, wherein she agreed not to "assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," from and after its date. For more than ten years after that engagement Great Britain maintained the Mosquito protectorate, thus holding in her grasp the mouth of the San Juan; our Government constantly urging her to relinquish her hold and to extinguish the Mosquito claim, as she had promised to do. This the diplomatic correspondence between the two governments shows, and in April, 1852, an arrangement was agreed upon between Mr. Webster and Mr. Crampton, the British Minister, by which the Mosquito difficulty was to be immediately settled, by the cession to Nicaragua of all the Mosquito claim south of  $11^{\circ} 34'$  north latitude, "including Greytown." This was to uncover the eastern terminus of the canal, and thus enable the company proposing the construction to proceed, but Great Britain delayed the execution of this arrangement for eight years; and the American company could not safely proceed, nor obtain capital, while the protectorate lasted. In June, 1852, Mr. Lawrence, then United States Minister at London, wrote to Mr. Webster concerning the Crampton-Webster arrangement, as follows: "With respect to the construction of the canal, I have often expressed my anxious desire that all questions touching the Mosquito Indians, and the disputes between Nicaragua and Costa Rica, should be definitely settled, in order that the *canal company might be organized and the work commenced.*"

The maintenance of the Mosquito protectorate was, therefore, a wilful and inexcusable violation of the treaty, and it was unquestionably the primary, if not the sole cause, of the failure of the canal company, to perform its contract with Nicaragua for the construction of the canal. Mr. Lawrence writes, in 1852, that money



could be had for building the canal, if the Mosquito difficulty was settled, and had Great Britain kept faith, it is fair to presume that the stock would have been eagerly taken and the canal an accomplished fact.

But this is not the only infraction of the Clayton-Bulwer treaty by Great Britain, which is a justification of the United States in regarding it as a broken compact, and as no longer binding upon her. At the time the treaty was made, 1850, there was a settlement of British subjects on the Belize, under an ancient grant from Spain, for the sole purpose of cutting logwood and mahogany; which settlement had remained under Spanish sovereignty, while Spain maintained her power, and, after the independence of the Central American States, under their sovereignty. A small British settlement had also been made on the Bay Islands, in the Bay of Honduras, which was under the sovereignty of Honduras at the time the treaty was made.

In direct and palpable violation of the first article of the Clayton-Bulwer treaty, the British government, on the 17th day of July, 1852, proclaimed the organization of the Bay Islands into a British colony! These are the words of the proclamation:

"This is to give notice that Her Most Gracious Majesty, the Queen, has been pleased to constitute and make the Islands of Roatan, Bonacco, Utila, Barbarat, Helene and Morat, to be a colony, to be known and designated as the Colony of the Bay Islands." Thus, within a little more than two years after the Clayton-Bulwer treaty was signed, Great Britain did the very thing it was stipulated by the treaty she should not do, and maintained her dominion over the Bay Islands until, under fear of a permanent breach of friendly relations with the United States, she, by treaty with Honduras, ceded back the sovereignty of the Islands to that Republic in 1859. But this is not all. The "settlement" on the Belize was promoted and encouraged, and expanded by England from a mere settlement in 1850, under the sovereignty of Guatemala, within definite boundaries, and for the specific purpose of cutting wood, into an organized British colony, and is so maintained to this day, under the dominion and government of Great Britain, with boundaries extended to cover an area nearly as large as half of New England. In order to curb the expansive tendency of this colony, and to save her territory from being entirely overrun by the English, Guatemala entered into a treaty with Great Britain, in April, 1859, for the settlement of the boundary of "British Honduras," as the colony was called, and an unsuccessful attempt was made to fix the boundaries. Thus, Great Britain, in 1859, created another colony from the settlement on the Belize, and its existence is a continuous violation of the treaty. Now, it is urged that the United States is estopped from pleading these several wanton, intentional, and flagrant breaches of the treaty of 1850, on the part of England, because President Buchanan, in his Message to Congress in 1860, said that the questions arising from the Clayton-



Bulwer treaty, had by the three treaties between England and Nicaragua, Honduras and Guatemala, "resulted in a final settlement, entirely satisfactory to this Government!" In respect to this contention, I have to observe, first, that Mr. Buchanan had reference more particularly to the Mosquito dispute in his expression of satisfaction; and it was not addressed to Great Britain, but to Congress; and it was not intended as a condonation of England's offences, but was a mere idle boast of an achievement of his administration, and second, that Mr. Buchanan was not, at any time, the Government of the United States! This is, I believe, the first attempt ever made in this country to exalt a President's message into the dignity of a treaty, or of public law! Mr. Buchanan had no more authority as President of the United States, without action of Congress, to condone a violation of the Clayton-Bulwer treaty than he had the power, of himself, to make war on England, and this the British Government perfectly understood. The language used in his message was no more than the expression of the opinion of James Buchanan, and about that time Mr. Buchanan held many opinions, upon a wide range of subjects, which the people of the United States did not endorse, and this was one of them. These violations of the Clayton-Bulwer treaty by England have never been condoned, nor excused, nor acquiesced in, nor forgiven, nor forgotten by the Government or people of the United States. For many years after Mr. Buchanan's generous exclamation of satisfaction with the course of Great Britain in Central America, the United States was busied in matters of domestic concern of supreme importance, some of which had resulted from the weak and yielding disposition of this same James Buchanan, and the nation was not taking much note of Central American affairs just then, and neither adopted nor disavowed Mr. Buchanan's opinion thus expressed, but it has been emphatically disavowed since.

But is there any reason, in honor or justice, why the United States should alone be bound in perpetuity by the Clayton-Bulwer treaty when every consideration for entering into has failed, and its prime object has been defeated? Even though there had been no violation of it, the changed conditions of the parties, the lapse of time, the failure of the object for which it was made, the marvellous growth of commerce, the changes in the lines of transportation, the wonderful development of the Pacific States, and the general progress of the Western nations afford abundant reason for the attitude of the United States in giving notice to Great Britain, as has been done, that the United States will assume her rightful place among the nations of this hemisphere, and refuse to be bound by these rusty manacles, which, in an evil hour, were forged for her restraint.

The language of Mr. Blaine, addressed to Lord Granville in November, 1881, appears to express the American view of this subject with great clearness and force. Speaking of the Clayton-Bulwer treaty, he says: "This convention was made more than

“ thirty years ago, under exceptional and extraordinary conditions which have long since ceased to exist—conditions which at best were temporary in their nature, and which can never be reproduced. The remarkable development of the United States on the Pacific Coast since that time has created new duties for this Government, and devolved new responsibilities upon it.” Further on he says of the treaty:

“ Its provisions embody a misconception of the relative positions of Great Britain and the United States with respect to the interests of each government in questions pertaining to this continent. The Government of the United States has no occasion to disavow an aggressive disposition. Its entire policy establishes a pacific character, and among its chief aims is to cultivate the most friendly and intimate relations with its neighbors, both independent and colonial. At the same time, this Government, with respect to European States, will not consent to perpetuate any treaty that impeaches our right and long-established claim to priority on the American continent.

“ The United States seeks only to use for the defense of its own interests the same forecast and prevision which Her Majesty’s Government so emphatically employs in defense of the interests of the British empire. To guard her Eastern possessions, to secure the most rapid transit for troops and munitions of war, and to prevent any other nation having equal facilities in the same direction, Great Britain holds and fortifies all the strategic points that control the route to India. At Gibraltar, at Malta, at Cyprus, her fortifications gives her the mastery of the Mediterranean. She holds a controlling interest in the Suez Canal, and by her fortifications at Aden and on the Island of Perim, she excludes all other powers from the waters of the Red Sea, and renders it a *mare clausum*. It would, in the judgment of the President, be no more unreasonable for the United States to demand a share in these fortifications, or to demand their absolute neutralization, than for England to make the same demand in perpetuity from the United States with respect to the transit across the American continent. The possessions which Great Britain thus carefully guards in the East are not of more importance to her than is the Pacific slope, with its present development and assured growth, to the Government of the United States.

“ The States and Territories appurtenant to the Pacific ocean and dependent upon it for commercial outlet, and hence directly interested in the canal, comprise an area of nearly eight hundred thousand square miles, larger in extent than the German empire and the four Latin countries of Europe combined.

“ This vast region is but fairly beginning its prosperous development. In the near future the money value of its surplus for export will be as large as that of British India, and perhaps larger. Nor must it be forgotten that India is but a distant colony of Great Britain, while the region on the Pacific is an integral portion of our

" national Union, and is of the very form and body of our state.  
 " The inhabitants of India are alien from England in race, language  
 " and religion. The citizens of California, Oregon and Nevada, with  
 " the adjacent Territories, are of our own blood and kindred—bone  
 " of our bone and flesh of our flesh.

" Great Britain appreciates the advantage, and perhaps the necessity, of maintaining, at the cost of large military and naval establishments, the interior and nearest route to India, while any nation with hostile intent is compelled to take the longer route, and travel many thousand additional miles through dangerous seas. It is hardly conceivable that the same great power, which considers herself justified in taking these precautions for the safety of a remote colony on another continent, should object to the United States adopting similar, but far less demonstrative measures for the protection of the distant shores of her own domain, for the drawing together of the extremes of the Union in still closer bonds of interest and sympathy, and for holding, in the quiet determination of an honorable self-defense, the absolute control of the great waterway which shall unite the two oceans, and which the United States will always insist upon treating as part of her coast line.

" If a hostile movement should at any time be made against the Pacific coast, threatening danger to its people and destruction to its property, the Government of the United States would feel that it had been unfaithful to its duty and neglectful towards its own citizens, if it permitted itself to be bound by a treaty which gave the same right through the canal to a war-ship bent on an errand of destruction that is reserved to its own navy, sailing for the defense of our coast and the protection of the lives of our people. And as England insists, by the might of her power, that her enemies in war shall strike her Indian possessions only by doubling the Cape of Good Hope, so the Government of the United States will equally insist that the interior, more speedy, and safer route of the canal shall be reserved for ourselves, while our enemies, if we shall ever be so unfortunate as to have any, shall be remanded to the voyage around Cape Horn.

" A consideration of controlling influence in this question is the well-settled conviction on the part of this Government, that only by the United States exercising supervision can the Isthmus canals be definitely and at all times secured against the interference and obstruction incident to war. A mere agreement of neutrality on paper between the great powers of Europe might prove ineffectual to preserve the canal in time of hostilities. The first sound of a cannon in a general European war would, in all probability, annul the treaty of neutrality, and the strategic position of the canal, commanding both oceans, might be held by the first naval power that could seize it. If this should be done, the United States would suffer such grave inconvenience and loss in her domestic commerce as would enforce the duty of a defensive and protective war on her part, for the mere purpose of gaining

“ that control which, in advance, she insists is due to her position  
 “ and demanded by her necessities.

\* \* \* \* \*

“ For self-protection to her own interests, therefore, the United  
 “ States, in the first instance, asserts her right to control the Isth-  
 “ mus transit. And, secondly, she offers by such control that abso-  
 “ lute neutralization of the canal as respects European powers  
 “ which can in no other way be certainly attained and lastingly  
 “ assured.”

Great Britain was here distinctly informed that the conditions under which the United States entered into this treaty were extraordinary and exceptional, and that these had passed away and new conditions, imposing new duties and responsibilities upon this nation, had developed, and that the United States would not be bound longer by the provisions of a treaty which “ impeaches our right “ and long-established claim to priority on the American continent,” and that for “ self-protection to her own interests, the United States “ asserts her right to control the Isthmus transit.” This notice is accompanied by reasons for giving it, and a similar and no less positive assertion of the same position is made by Mr. Frelinghuysen subsequently, in his correspondence with Lord Granville, accompanied by arguments so clear and convincing that no unprejudiced mind can fail to admit them as conclusive! All writers on international law apply this maxim, in substance, to treaties: “ When that “ state of things which was essential to and the moving cause of “ the promise or engagement has undergone a material change, or “ has ceased, the foundation of the promise or engagement is gone “ and their obligation has ceased.”

The motive of the Clayton-Bulwer treaty being, as is shown by its terms, to encourage the immediate building of a canal by a company then in existence and proposing to build it, or by private persons who should take the place of that company; and, owing to causes which have been explained, neither the company nor any private persons have been able to even begin the construction; and thirty-five years having passed; the object of the treaty having failed, and the conditions of the parties having undergone the most marvelous changes, the contention that the Clayton-Bulwer treaty can be set up as a bar against the construction of this great work seems to be against reason. The obligations of the treaty in respect to the canal have lapsed, because there is no canal—no object to which they can be said to relate or apply. The treaty has been a dead letter! Nothing has been done in execution of its stipulations. Certainly not by England; for she has performed no act in relation to it, except to violate it. With the movement of of time there have come to this country such changes, not only in respect of its internal development, but in its relations to other nations, that it is no longer prudent or possible for its Government to wait in hope of a consummation of the object and purpose of the Clayton-Bulwer treaty by the method contemplated by it.



In no like period of the world's history has such stupendous changes been wrought in the conditions of peoples and States as have taken place in the thirty-five years since the Clayton-Bulwer arrangement was made! There has never been greater progress made by mankind in the same space of time. A great waterway has been constructed through the drifting sands of the Isthmus of Suez, which has changed the conditions of trade, and the transportation routes of the Eastern hemisphere. England, by her peculiar method of dealing with nations, has come in possession of that waterway, and this has enabled her to make conquest of all worth having in the East, and given her perpetual control of India and commercial supremacy in a greater part of the Orient. If she had control of a waterway through the Darien Isthmus, she would be not only "mistress of the seas," but the empress of the commercial world! The changes on this side of the Atlantic have been the marvel of mankind. The United States has, in thirty-five years, developed and expanded from a commonwealth of twenty-three millions to a nation of fifty-six millions of people, possessing every element of a progressive civilization, and all the qualities which give a people power and consequence among the nations. Our Pacific States and Territories, which in 1850 were almost unexplored, have developed into an empire, with opulent cities and a magnificent domain, capable of sustaining a population equal to that of the United States at the date of the Clayton-Bulwer treaty! Since then there have been added to our Union nearly six hundred thousand square miles of territory on the North Pacific. In 1850, our total annual revenues were \$47,000,000. Now they are \$400,000,000! The nation was not then financially able to build the canal alone. Now it can do it without aid from any quarter. Since then we have opened the doors of many Oriental marts to American commerce! We have become one of the first manufacturing nations, and our internal commerce exceeds that of any people on the earth! We have built railways, whose tracks would four times encircle the globe! These are some of the changes which have created new conditions and relations, and have superseded those of thirty-five years ago. And to these should be added the courageous attempt of the French at Panama, which threatens to bring into existence and prominence new and totally different conditions and relations from those now existing, and which will impose other and different duties and responsibilities upon the United States than any dreamed of in 1850, or perhaps much thought of now!

The United States has need of a canal of her own for the uses of her own commerce, and for her own defence: for the French canal at Panama is a menace to the interests and safety of our Pacific possessions, and our commerce upon the sea. In 1850, the people of California were importing breadstuffs from Chile. They exported nothing but gold. Now the Pacific Coast can export a million and a half tons of wheat annually, and many thousands of



tons of other products! The commerce of the United States which would pass through the canal if built, both coastwise and foreign, would, at the same tolls charged on the Suez canal, pay four per cent. annual dividend on one hundred million dollars! This commerce is the result of development, which has taken place almost entirely since 1850. Shall it be said that an arrangement with Great Britain, made with reference to the conditions of 1850, and for a specific purpose which has failed, shall be held to restrain this nation from providing a route of transportation for her great and growing commerce? Since the French have occupied the Panama transit, there is no other route but that through Nicaragua. Shall we be shut out from the Isthmus, and our Pacific coast and cities, and our merchant marine left at the mercy of European fleets? Our commercial interests, no less than the common defence, demand that we have a waterway through Nicaragua, and no ancient, improvident, obsolete and lapsed agreement with Great Britain can be invoked to prevent its construction!

It may not be wholly useless to inquire how far, and in what particular, the making of such a treaty as that printed in the *Tribune*, is violative of the Clayton-Bulwer treaty. Let us see what it was that the two nations engaged to do by the Clayton-Bulwer treaty.

1. To protect any parties having authority of the local government through which the canal may pass, their employés and property engaged and used in the construction of the canal, from unjust detention, confiscation, seizure or violence.

2. To use their influence with such local governments to facilitate the construction of the canal, and the establishment of two free ports, one at each end of the same.

3. To protect the canal, when completed, from interruption, seizure or confiscation, and to guarantee the neutrality thereof, so that it shall remain open and free, and the capital invested therein secure, *conditionally*, upon the company managing it without discrimination or unjust charges, either party being at liberty to withdraw its protection by giving six months' notice.

4. To invite friendly States to enter into like stipulations, with the right of each of the two contracting parties to enter into treaty stipulations with any Central American State to facilitate the construction and protection of the canal for the benefit of mankind, etc.

5. To give support and encouragement to the company first offering to build the canal, and give to the company which has a contract with Nicaragua the preference for one year.

6. To extend their protection by treaty stipulations to railway or canal communication across the Isthmus by way of Tehautepec or Panama.

These are all the affirmative obligations, and they relate, so far as Nicaragua is concerned, to a canal to be built by private persons, or a company, and have especial reference to the company which then held a concession. No reference is made to any canal to be built by either of the Governments, or by both jointly.

What are the things the two Governments agree not to do?

1. They *declare* that neither the one or the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

2. They *agree* that neither will ever erect or maintain any fortification commanding the canal, or in the vicinity thereof.

3. Nor occupy, nor fortify, nor colonize, nor assume, nor exercise, any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

4. Nor will either make any use of any protection which either may afford, or any alliance which either may have to or with any State, for the purpose of erecting any such fortifications, or of colonizing, etc.

Nor either take any advantage of any intimacy, or use any alliance, connection, or influence with any State through which the canal may pass, for the purchase of, or holding for the citizens or subjects of one any rights or advantages, in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other.

These are the renunciatory clauses, or stipulations of restraint, and they are dependent upon the affirmative stipulations, and have relation to the same object. If the affirmative stipulations have lapsed for want of an object, to which they could be made to apply, then these renunciatory clauses have ceased to be obligatory. It will be observed that the first of these clauses is but a declaration of intention. "The Governments of the United States and Great Britain hereby *declare* that neither the one or the other will ever obtain or maintain for itself any control over the said ship canal." Does any one suppose that this declaration would have deterred Great Britain from purchasing a majority of the stock of that canal company if the canal had been built? If an emergency had arisen similar to that in the case of the Suez Canal, how long would it have taken England to have changed her mind and intention? We would have been told that renunciatory clauses in treaties are not of perpetual operation, and that they fall with important changes of conditions. Taking this first declaration with other parts of the treaty, it means that these two governments intend to guarantee that the canal about to be built by a private corporation, with its own money, shall remain under the control of that corporation, and under the sovereignty of Nicaragua, and that England and the United States will guarantee that Nicaragua shall protect the Company in its rights of property and control; but this guarantee and protection to be withdrawn, if the corporation shall make unfair discriminations as to the commerce of one of the parties over the commerce of the other, or shall impose oppressive tolls, etc. That this arrangement had direct reference to a canal then to be built by private parties, and had no reference to any canal which might in the future be built and owned by either of the parties to the treaty, is evident, and the declaration (or agreement, if it can

be so called), that neither would obtain exclusive control was never intended to apply to a government canal undertaken by either of the nations thirty-five years afterwards.

If England had obtained a concession from Nicaragua, and began the construction of a canal in priority of the United States, after a lapse of a third of a century, the private parties having failed to build as contemplated, could the United States have claimed, under the treaty, a right to be admitted to a joint control? It is probable that our Government would have sought to apply the Monroe Doctrine in such a case, but if the concession were such an one as is contained in the *Tribune* publication, by which the canal is free to all nations, and remains under the sovereignty of Nicaragua, it is difficult to see how the United States could have made objection upon any other ground than that of the Monroe Doctrine. And should the United States cease to pursue the purpose of building a canal, and Great Britain should take a concession which we refuse, and construct the canal, it is difficult to perceive any ground of objection whatever, which the United States could reasonably make. Can the Clayton-Bulwer treaty be said to possess the quality of immortality? Is it a never-ending, inextinguishable compact which one of the parties may forever hold up as a scroll of fate, forbidding the progress of nations?

The other negative agreements in the Clayton-Bulwer treaty present no points of conflict with the *Tribune* treaty. The United States does not, by that document, propose to fortify the canal, nor occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, nor do any other thing forbidden by the first article of the Clayton-Bulwer treaty. Admitting that treaty to be a valid and existing agreement, (for the sake of argument,) before England can, with reason make any objection to such an arrangement with Nicaragua, she must ask to be admitted to a participation in the undertaking, and offer to furnish her quota of the money, and to assume a share of the obligations and responsibilities of the venture. Until she is refused all this, it does not seem to me that she has ground for complaint, for even though we expand the meaning of the Clayton-Bulwer treaty, so as to include any canal which may be at any time built, it is specifically agreed in Article VI as follows: "And the contracting parties likewise agree, that *each shall (may?) enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same.*" This is precisely what the United States would have done, had the *Tribune* treaty been made, and as no one else proposes to build the canal, it is proposed that the United States build it! Here seems to be sufficient warrant for making such a treaty with Nicaragua; at least, the making of such a treaty is no violation of the Clayton-

Bulwer treaty. At all events, it will be time enough to regard Great Britain's complaints or protests, when they are received, and to consider the question of the admission of Great Britain to a co-partnership with the United States in *an American canal*, when the proposition is definitely made!

My apology for so long a discussion of the international questions involved is, that I know that there are some who hesitate to give such a measure their support, because they fear that there is here a contravention of the Clayton-Bulwer treaty which involves questions of national honor and good faith, and the consequent danger of war. No more important considerations can occupy the attention of the people. It does not seem to me, however, that any of our existing engagements with Great Britain are violated by the proposed arrangement with Nicaragua for the canal, nor should there be any fear of war with England. There will be no questions or misunderstandings growing out of such an arrangement which will not be susceptible of honorable settlement by negotiations between the two Governments, and I regard it as doubtful whether Great Britain will interpose any objection to our going forward with the great work, which will promote her interests as well as ours, and benefit mankind. Certainly she has no right to object.

That the route selected by the American engineers is the best and most economical, for uniting the two great oceans by a commercial and military waterway, is abundantly shown, by the reports of Isthmus explorations and surveys, in the possession of the Government. Nearly three-fourths of the distance of this waterway is by natural channels, which require but a small outlay to render them practicable for the largest vessels afloat. The magnificent lake which nature has provided in the heart of Nicaragua, for an international haven and harbor of refuge, is so ample and deep and placid, that the argosies of all the seas may rest in peace and safety upon its bosom, when once channels are opened from its east and west shores to the two great oceans! Upon its islands there may be stored supplies for all the naval and merchant ships which may pass from ocean to ocean; and upon these islands, or upon the shore of the lake, may also be erected shops and docks for every kind of repairs. All engineers and experts in nautical science pronounce the proposed canal practicable, although they differ in their estimates of the cost. The estimate of the engineers of the Maritime Canal Company, Mr. Menocal and others, was \$41,000,000, including improvements to harbors at each end of the canal. To this should be added fifty per cent. for engineering contingencies, and twenty per cent. for other possible contingencies, making the probable cost about \$70,000,000. I am aware that other engineers have estimated the cost much higher, and it is difficult to make even a close approximate estimate of the cost of so vast a work. There are numerous examples, however, of like works, which in some degree serve as guides in making estimates for contingencies. After an examination of the several plans and estimates; it would



seem that the maximum estimate cannot exceed double the amount of the estimate of Mr. Menocal, which would give \$82,000,000 as the ultimate cost. The Suez canal, 100 miles long, cost \$92,000,000, including the construction of the harbor at Port Said, and docks for all sorts of repairs, and it is stated by engineers of high reputation, that the Suez canal could now be built for half the sum it cost.

It is confidently asserted by the officers of the United States, who have made the surveys of the line of the proposed canal, that there are no considerable engineering difficulties to be expected. The restoration or creation of the harbor at the Eastern terminus does not appear to be problematical, and is much easier of accomplishment than the creation of the harbor of Port Said. Some engineers have estimated the cost of reclaiming the harbor at Greytown at five million dollars, while the plan of Admiral Ammen, Capt. Phelps, and others, does not involve more than half that sum. The engineer officers regard it as an easy matter to construct works at Brito, on the Pacific, which will ensure a good harbor at a maximum cost not exceeding \$2,500,000. The deepest cut on the line is 41 feet, and the highest embankment required is but five feet. The lake area is 2,700 square miles, with a drainage basin of 8,000 square miles, and the lake being the summit level of the canal, furnishes an inexhaustible supply of fresh water throughout the year for canal purposes. It is possible that the forty-three miles of canalization, with the two harbors, the necessary works for slack water in the San Juan river; the thirteen locks; the necessary machinery, buildings, appliances, and everything necessary for the construction and for operating the canal, may aggregate a cost of \$100,000,000, as estimated by the Humphreys Board; but it is believed that under no contingency will the work cost more than that amount; an immense sum, it is true, but while the cost is great, the benefits and advantages are almost inconceivably great. In a mere economic view, the enterprise is most desirable, whether the Panama canal be finished or not. The tonnage which will necessarily take the route of this canal in preference to that of Panama, could not fail to reach 2,500,000 tons annually, which would pay, at moderate tolls, a clear profit of four per cent. per annum on \$100,000,000, the first five years, with a constant increase afterward. A statement of the saving in sailing distances will serve to indicate the volume of commerce which must pass the canal: From New York to Hong Kong, 5,870 miles; from New York to Yokohama, 6,800 miles; from New York to San Francisco, 8,600 miles; from San Francisco to Liverpool, 6,100 miles.

The saving in freights alone upon the transportation of Pacific coast exports to European and American Atlantic ports, at a fair average estimate, would not be less than \$9,000,000 per annum; and with the progress of development in this region, the saving would be increased probably not less than ten per cent. per annum, or \$1,000,000 per annum. In this calculation I have omitted the



immense saving in freights, upon merchandise shipped from the Atlantic ports to the Pacific ports. This canal would open a new, cheap emigration route to the Pacific coast, and this region, so desirable for settlement, would speedily increase in population and in its production, thus creating constantly new business for the canal ; and instead of injuring the transcontinental lines of railway, their business would be increased in volume by the rapid and steady development of the country through which they pass. The Suez canal, which the wise men said would never pay, furnishes an instructive example as to the ratio of increase in the business of such a canal.

In 1870 net tonnage passed, 436,609 tons; receipts, \$1,031,865

“ 1871 “ “ “ 761,467 “ “ “ 1,798,746

" 1872 " " " 1,160,748 " " 3,281,518

“ 1873 “ “ “ 1,367,767 “ “ “ 4,579,465

“ 1874 “ “ “ 1,631,650 “ “ 4,971,476

“ 1875	“	“	2,009,984	“	“	5,777,260
--------	---	---	-----------	---	---	-----------

This illustrates the ratio of increase for the first six years. In the next five years the increase was not so rapid ; but in 1880 it had reached : Tonnage passed, 3,057,421 tons ; receipts, \$8,364,179. And in 1883, the tonnage passed was 5,775,861 tons ; receipts, \$13,762,413.

In 1884 the business was about the same as in 1883, for which the stockholders received eighteen per cent. dividend on their investment. The tolls have been reduced to \$1.93 per ton, and the pilot dues have been abolished.

While the American canal will start with a much larger business than that of the Suez canal in 1870, perhaps five times as great, it will probably increase in a like ratio, to the ratio of increase shown by the figures I have quoted. There need be no fear of the Panama canal. Within ten years there will be business for both canals, leaving for Eads' Tehautepec Railway all the ships it will ever be able to safely carry.

But, Mr. President, it is unnecessary to detain this assembly with descriptions of the canal, or the technology of its construction, or with speculations in regard to rival enterprises. The reports of the officers who have made the surveys are voluminous and accessible, and are sufficiently thorough and instructive to give all necessary information concerning the enterprise. That it is practicable, and will prove to be of great utility and value, there can be no doubt. Why then should not the United States go forward to the accomplishment of a work so grand in its design, so necessary to the industrial and commercial interests of the country, and which promises results so beneficial to many millions of our race? Is it not time for this great nation to peacefully assert its power, and utilize its influence among the nations of the West? Is it not time that we should look out upon the world and contemplate the possibilities of new commercial relations? Is it not prudent to secure con-

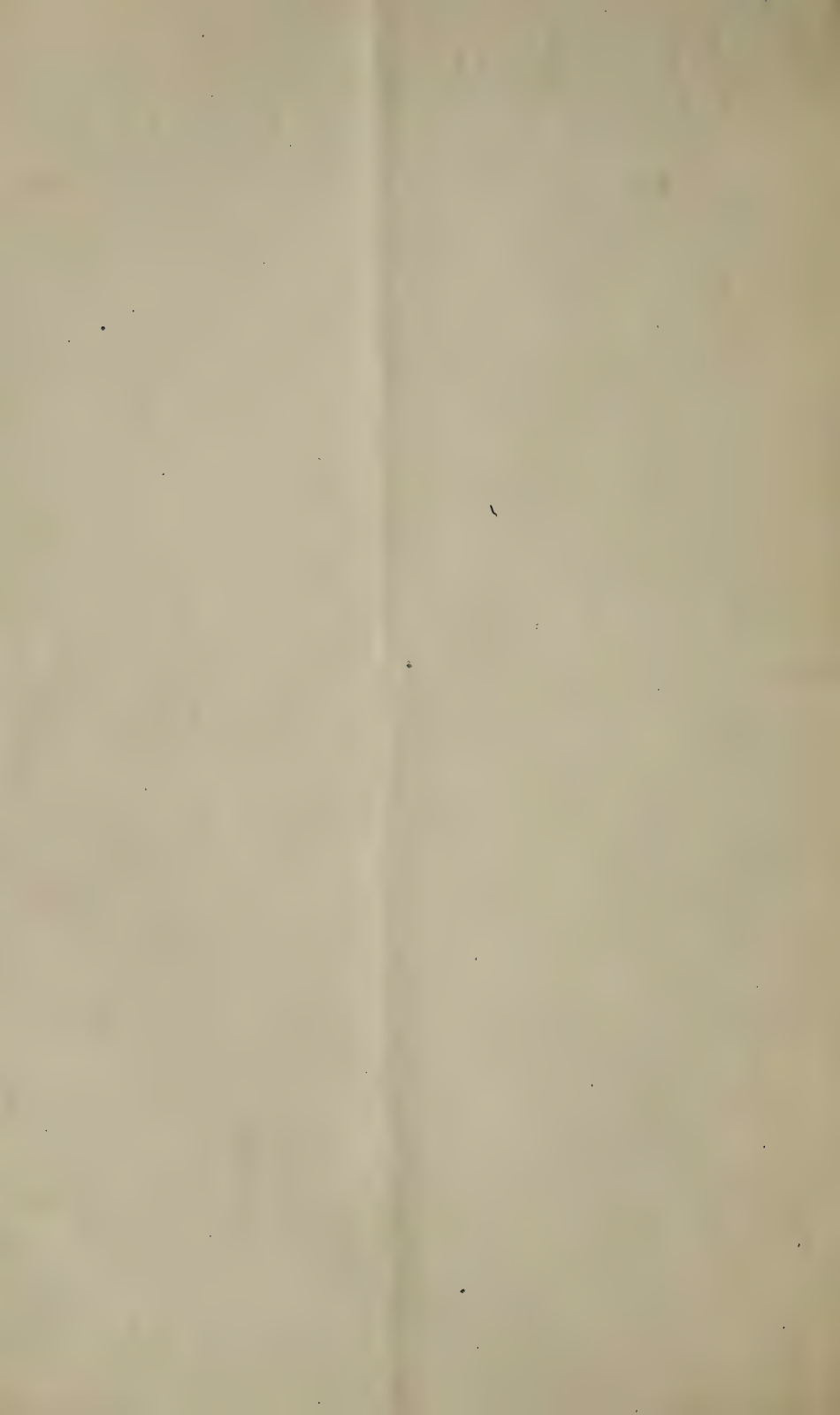
trol of an agency, which, in the possession of a great European power, would be used to our detriment not only in times of peace, but which might be utilized to the great injury of our Pacific coast, and our general commerce in time of war? A strong naval power in possession of the lake of Nicaragua and its islands, with a ship canal connecting its waters with the two oceans, would hold the commerce of this hemisphere at its mercy. Once in possession of that line of transportation, no single power, nor the allied powers of half the world could dislodge her, and there in the security of that interior sea she would concentrate her fleets of war ships and the *material* of war, and be able to send forth her commerce destroyers to swarm upon either ocean, and her iron-clads to devastate the towns and cities of either coast. There is no such strategic position for naval operations in all the world! Why not occupy it ourselves? If we give it up, another will take it, and then the chain of our environment will be complete! If constitutional objections to this great undertaking are raised, it may be answered, that it is a specific constitutional power and duty of Congress to provide for the national defence, and to promote the general welfare.

The question of securing markets for American manufactures is one which is being pressed upon the attention of those who have to deal with such questions, with constantly increasing force. Production has been so stimulated in this country, that the home market is overfilled, and to-day, we have the plant, machinery, capital, workmen and facilities for manufacturing the leading articles of manufacture, sufficient for the wants of at least eighty, perhaps one hundred millions of people, and we have fifty-six millions to supply! The extension of our commerce into new fields, and among other peoples, has become a necessity of our industrial system. Whatever, therefore, promotes the discovery or creation of new and additional markets for our manufactures, is a national blessing. The proposed canal will open new fields to American enterprise, and by shortening transportation routes, the American people will be able to successfully contend for the trade of many millions of people, whose profitable commerce is now enjoyed by England and European nations, because of the shorter lines of transportation open to them. The merchant marine of the United States will be revived and restored, and life and activity will be visible in the shipyards, which are now deserted and desolate. By the control of this canal, the foreign commerce of this country, created and fostered by it, will be conducted by Americans, and carried by American vessels. By means of this canal, we shall be brought into closer commercial relations with all Central America, and the Pacific States of South America, and ultimately we shall control the commerce of those States. Our metropolitan cities will become the centers of the financial systems of the peoples of this hemisphere, with whom our people trade. American ideas and American methods will be gradually adopted, and American civilization will spread and vivify like the sunshine throughout those

regions, and the consequent development will create new wants, which our people will supply to the benefit of the nation! This great work will unlock the gate which bars our way to the commerce of the Orient, and it will give the key to American merchants! Our Eastern commercial centers will have the shorter line to China and Japan, and the Islands of the Pacific, as compared with European lines of transportation.

The advantages and benefits which the control of this canal will bring to this coast and the whole United States are incalculable. Its construction will be an achievement worthy of the first nation of the earth! It will be an illustration of the power, the nerve and sagacity of the American people, which will challenge the respect of all mankind. It will be an object lesson to the nations of Europe, teaching the American method of dealing with great affairs, and illustrating in a practical way the future policy of this Government in respect to the nations and peoples of this hemisphere! It will mark a new era in the life of this nation. The consummation of this work will be a triumph of peace, no less renowned than our greatest victories in war! Sir, this is the nation's opportunity, and the turning point in the destiny of the Pacific States. This is the age of prodigious enterprises and great utilities. It is the age of action! The day of the manifesto has passed. National greatness is measured by national performance! This nation has taught the Western nations the lesson of progress by example! Why should we halt or hesitate now? Shall we ask consent of Great Britain, before we proceed to the execution of this great design? Or shall we go forward without fear, with firm and steady step in the grand march of progress toward the fulfillment of American destiny!

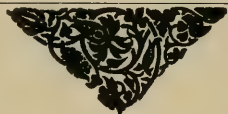






THE RECALL AS APPLIED TO  
THE JUDICIARY.

---



HON. WILLIAM W. MORROW.





ADDRESS OF UNITED STATES  
CIRCUIT JUDGE WILLIAM W.  
MORROW AT THE BANQUET  
TENDERED TO THE HONORABLE WIL-  
LIAM HOWARD TAFT, PRESIDENT OF  
THE UNITED STATES, AT THE PALACE  
HOTEL, FRIDAY EVENING, OCTOBER  
THIRTEENTH, NINETEEN HUNDRED  
AND ELEVEN.    C    C    C    C    C



*The following response was made by United States Circuit Judge William W. Morrow to the toast "The Judiciary";*

*"It is written by the finger of the Almighty God on  
"the everlasting tablets of the Universe that no  
"nation or state can endure or prosper into whose  
"life justice does not enter and enter to stay,"*

*the occasion being the Banquet tendered to William Howard Taft, President of the United States, in San Francisco, California, on Friday Evening, October 13, 1911. With the consent of Judge Morrow some of his friends, present on the occasion, have caused his remarks to be printed.*





Mr. President, Mr. Toastmaster and Gentlemen, and, above all, our new voters (indicating the ladies in the galleries). Ladies, we are glad you are with us.

It is a great pleasure, as well as a privilege to participate in this cordial welcome to our distinguished guest; and especially is this so when coupled with the sentiment to justice which has just been read by our Toastmaster.

The President himself for eleven years was charged specifically with the duty of administering justice. For three years he was a Superior Judge in Cincinnati, and for eight years a United States Circuit Judge for the Sixth Judicial Circuit, comprising the States of Michigan, Ohio, Kentucky and Tennessee, and during that period the court had before it some of the most important questions involved in controversies relating to labor disputes, railroad transportation, interstate commerce, and in prosecutions under the Anti-Trust law. And the decisions in those cases, I think, without a single exception, have been approved for their wisdom and justice, and have become the established law of the land.

Judge Taft has rendered eminent service to his country in solving some of these new and difficult problems in the administration of the law. He has adorned the judicial office. Indeed, it may be said of him as it was said of Goldsmith:

“He has touched nothing that he has not adorned.”

He has been true to the highest ideals in whatever position he has been called upon to act, whether in the practice of his profession as a lawyer, holding the office of Solicitor General of the United States, United States Circuit Judge, Governor General of the Philippines, or Secretary of War in a most strenuous administration, or himself President of the United States, and among the manifold duties of that office, seeking the peace of nations by the establishment of an international tribunal of justice for the determination

of all controversies between the nations of the world. But candor compels me to say that those who were familiar with Judge Taft's judicial services did not expect that his career would be extended to such a variety of subjects and duties. They did expect that he would, in the due course of events, round out his exceptional career as a judge by becoming Chief Justice of the United States—an office second to none anywhere in the world in power and dignity. But events shaped themselves otherwise, which seems to show that the conscientious discharge of judicial duties is not such a wholly disqualifying service for public favor as some would have us believe. But whether Judge Taft's relations to public and political events have been providential, or the result of cool, calculating judgment and foresight, we may never know. It is an interesting fact, however, that Judge Taft escaped from judicial office before the late upheaval, and before the rest of us even suspected that the office was within the earthquake zone. We may infer from what he has said that those of us who did not escape have his best wishes, if not his sympathy, and that he would be disposed, if it were in his power, to save the rest of us who are worth saving, if any such there be.

But there is a serious side to this question, too serious to be ignored even on an occasion like the present. What the President would do would be to save the judicial office and preserve its integrity and independence for the safety and welfare of the country.

As said by the late Mr. Justice Brewer in the sentiment to which we are now responding:

“For it is true that it is written by the finger of  
“Almighty God upon the everlasting tablets of the  
“Universe that no nation or state can endure or  
“prosper into whose life justice does not enter, and  
“enter to stay.”

Justice, equal and exact, impartial and undefiled is a fundamental principle in our form of government.

In 1780 Massachusetts, fresh from the fires of the Revolution and actuated by the highest spirit of independence, declared in its Constitution that it was "essential to the preservation of the rights of every individual, his life, liberty, property and character that there should be an impartial interpretation of the laws and administration of justice; that it was the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity would admit."

In 1792 New Hampshire made the same constitutional declaration, and the principle is implied in the Constitutions of all of the states.

What do these declarations mean? What did the fathers of our country have in view when they made these solemn covenants for themselves and the generations that were to come after them? They meant and had in view the fact that the administration of justice should be absolutely free from the influence of power—from whatever direction it might come, whether from the Government itself, on the one hand, or from the cry of the mob on the other.

But they say: "He who made can unmake."

It was said by the people of this state on last Tuesday in the Constitutional amendment providing for the recall of the judges. I have no controversy with the voters upon that subject but I venture to call your attention to the fact that this is an old world taunt with which we are familiar; a taunt that unbridled power has always flung in the face of Justice. It was heard in England prior to the Revolution of 1688, but it passed with the Divine Right of Kings. It has been the theme of dramatists for ages. It was with this threat that Bulwer Lytton imagined Louis the Thir-

teenth of France undertook to overawe and intimidate the independent and sovereign-minded Richelieu.

"Remember," said the King, "he who made can unmake." And what was the reply of the great Cardinal?

"Never," was his reply, "never." "Your anger can recall your trust, annul my office, spoil me of my lands, rifle my coffers, but my name—my deeds—are royal in a land beyond your sceptre." And pointing to his achievements in behalf of France, he uttered that impassioned and sublime defiance and protest:

"Would you now revoke your trust? So be it. And

"I leave you sole supremest monarch of the migh-

"tiest realm from the Ganges to the Icebergs."

But the Cardinal demanded justice. The King refused. "It is not the time or place," he said. Then came from Richelieu that celebrated appeal:

"For Justice all place a temple and all season  
"summer."

Mr. President, this may be dramatic, but it is truthful, and breathes a spirit that should not be forgotten under present conditions or at any time. Well, it will be asked, "Shall Justice be deemed infallible and be worshipped as such?" By no means. Justice as administered by human beings is beset by human frailties. Justice does not deny a proper and timely criticism of her administration. She does not deny that the weak, indolent and unworthy judge should be removed from office by judicial methods, but she does deny that her judgment should be influenced or controlled by any consideration other than that of right reason or that she should have in view any purpose other than that of declaring what the law is, and not what the public or a majority of the voters



think it should be. Without this freedom and independence, the administration of justice is a failure and the government itself a delusion and a snare.

As was said by either Mr. Hamilton or Mr. Madison in one of the papers of the Federalist:

“Justice is the end of Government, it is the end  
“of civil society. It ever has been, and ever will  
“be pursued until it be obtained, or until liberty  
“is lost in the pursuit.”

Mr. President, we indulge in no evil forebodings concerning the future. We have an abiding faith in the integrity and final sober judgment of the people. We believe that the course of this nation is onward and upward and that our people will never long or seriously depart from the well-established and sacred principles of a free Government.

Mr. President, on behalf of the Judiciary, we extend to you a most cordial welcome.



33 27.  
REFORM OF THE LAND LAWS.

---

STATE COOPERATION IN IRRIGATION.

---

THE NEVADA IRRIGATION STATUTE.

---

SPEECH

OF

Hon. FRANCIS G. NEWLANDS,

OF NEVADA,

IN THE

UNITED STATES SENATE,

MARCH 23, 1904.

---

WASHINGTON.

1904.



SPEECH  
OF  
HON. FRANCIS G. NEWLANDS.

---

REFORM OF THE LAND LAWS—STATE COOPERATION IN IRRIGATION—THE  
NEVADA STATUTE.

Mr. NEWLANDS. I wish to obtain recognition for a few minutes to address myself to the pending bill.

Mr. ALLISON. The Senator from Nevada desires to speak for a few moments upon the question which has been under discussion by the Senator from North Dakota. Of course I do not wish to interfere with a brief discussion of that matter, but I do not want to yield to many this morning upon the subject. I yield for a few moments to the Senator from Nevada, and then I hope Senators will allow the District of Columbia appropriation bill to be proceeded with. I will yield later and at some other time to the Senator from Idaho if he wishes to speak upon the subject, but I should like to make a little progress with the appropriation bill this morning.

Mr. NEWLANDS. I thank the Senator from Iowa for his courtesy, and I shall certainly be very brief.

Mr. President, I am very solicitous that nothing shall be done regarding our land laws that will retard the development of the West, and I am also solicitous that there should be no such administration of those laws as will result in the concentration of large areas of land in single ownership, for I can imagine nothing that will retard the development of the West so effectively as such a condition of things.

I realize the fact that the United States has, to say the least, been careless in its administration of this great asset, the public domain. This has been due to the fact that we had but few people and a very large area of land, and hence the care has not been exercised in the past which should have been observed in the preservation of this domain for home builders.

We have been careless in our grants of land—in our grants of land to the States—without proper restraints and limitations as to home building. We have been careless in our grants to the great railroad systems of the country. We have allowed, as the result of our carelessness, in certain States of the West a system of land monopoly to grow up, which has been effectually retarding the development of the West.

Mr. DUBOIS. May I interrupt the Senator from Nevada?

Mr. NEWLANDS. Certainly.

Mr. DUBOIS. We may possibly have been careless in regard to land grants to the States in the early days, but that, certainly, does not apply to the new States, because no land was granted to any of our new States without the express condition that not an acre should be sold for less than \$10 an acre.

Mr. NEWLANDS. I will say to the Senator from Idaho that I was simply referring generally to the history of our legislation.



I have no charges of fraud to make regarding the administration of the land laws. I simply assert that in the past our administration of them has been a careless one. It has only been of late years that the attention of this country has been called to the subject and a propaganda has been made which has resulted already in very efficient revision of the land laws, and which, I trust, will result in more.

Mr. TELLER. I should like to ask the Senator when this efficient revision took place—how recently? I am not aware, as a member of this body, that there has been any material change in the land laws for a good many years.

Mr. NEWLANDS. I will state to the Senator from Colorado that I hold the floor by the indulgence of the Senator from Iowa, and I do not wish to extend the period of my remarks. But if the Senator will hear me through I think I will cover that question.

Mr. TELLER. I will give the Senator a week in which to get ready to tell me.

Mr. NEWLANDS. I will cover that question now. I will state briefly in reply to the Senator from Colorado that I regard the irrigation act as a distinct step in the line of the revision of the land laws, for under the irrigation act the commutation clause does not apply, and the very purpose of that act is to promote and secure home building in this country.

I will also state, in reply to the Senator from Colorado, since he challenges me to give him the information, that we have recently reported from the Public Lands Committee of the Senate a bill absolutely withdrawing timber lands from sale.

Mr. TELLER. I did not ask the Senator what he had done or what the committee had done. I asked what Congress had done.

Mr. NEWLANDS. I simply say that in addition to the irrigation act steps are being taken in the line of the revision of these land laws, and I think that important action has already been taken in the line of reform, and I have no doubt that other reforms are in progress.

Mr. FULTON. Did I understand the Senator from Nevada to say that a bill had been reported which absolutely withdrew timber lands from entry; that is, doing away with any provision for entering timber lands?

Mr. NEWLANDS. Not at all. I was about to complete that statement when I was interrupted by the Senator from Colorado. The bill reported repeals the law providing for the sale of timber lands, and as a substitute for it the timber is to be sold by the Government of the United States, the proceeds being paid into the irrigation fund, and the land itself is to be subject to homestead entry without commutation, and I call that a step in the line of reform, for the—

Mr. FULTON. I think the Senator is mistaken about the commutation clause.

Mr. NEWLANDS. That is my recollection.

Mr. FULTON. That only applies, as I recall the bill which was reported, to lands which are homesteaded within forest reserves. There is a bill pending, but whether it has been reported or not I do not know, which authorizes agricultural land in forest reserves to be entered under the homestead act, and to such entries the commutation clause does not apply. If the commutation clause does not apply to the bill which was reported and passed the Senate, I was mistaken in regard to its terms.

Mr. NEWLANDS. The bill to which the Senator refers was not only reported to but was passed by the Senate a few days since, and it contains the provisions to which I have referred. The effect of this bill will be to stop the concentration of our timber lands in the great syndicates and corporations that have acquired such vast areas during the past.

Now, Mr. President, I have stated that we have been careless in the administration of this great asset of the Government and that of recent years an agitation has arisen for reform upon the subject, and steps have already been taken in the line of reform. That carelessness has all arisen from the fact, as I have stated, that the population of the country was small and that the area of its lands was very large, and hence under the existing conditions it was not a matter that aroused very serious attention.

#### LAND MONOPOLY

But if we look back to history we find that monopoly of land has been the cause of many of the serious wars and revolutions of the world. We all know that in France prior to the Revolution one-third of the land was held by the nobility, one-third by the church, and another third, the poorer third, was held by the common people, and that the taxes of the entire country were imposed upon the poorer third. The result was the French Revolution, and one of the consequences of that upheaval was a readjustment of the landed system of France. So to-day they have peasant proprietorship, the ownership of the land in small tracts, which are constantly being divided and subdivided, and we find in that country the most important economic development since that period which has occurred on the continent of Europe.

We also know that the long protracted agitation in Ireland arose from the land system. The land in Ireland has been held by English landlords in large tracts, and the people of Ireland have been tenants. The country became overpopulated, the price of farm products fell, and the result has been a land agitation which has lasted for years, and which has cost England millions of money and many lives, and finally England has been compelled to practically take away the land from the landlords and turn it over to the tenants under the purchase act which was recently passed. And there a system of peasant proprietorship is gradually being inaugurated under this law which is the outcome of persistent agitation and revolt, varied occasionally by bloody strife, for a long period.

So also in the Philippine Islands. The contest there was not so much against the dominion of Spain as it was for a reform of the land system. The rich and fertile lands in Luzon had fallen into the possession of the church, and the Tagals were simply tenants of the church, and the agitation and revolution which existed there had its source in the monopoly of the best lands by the friars. Our Government has been compelled to correct this by providing for the purchase of those lands for the sum of \$7,000,000 and for their division amongst the Philippine people.

So it was in the countries of South America and Central America and in Mexico under Spanish dominion. The church came into possession of large areas of land, and the agitation against the church arose in almost all those countries. The church is no longer a state institution in many of them. Why? Not because those people were not devoted to the Catholic Church, for they remained its adherents, but they simply made war against this

land system, the system of land monopoly which had gradually concentrated the lands of these countries in the hands of the church, and they broke it up and took away the lands from the church.

Now, in this country land monopoly has not become a serious evil simply because we have such a large area of country over which our people can spread. But when population increases it will be a serious question unless we carefully guard the future. As the result of loose laws and careless administration, large areas of timber land, large areas of agricultural land, in the Pacific coast and mountain States have fallen into the hands of individual proprietors.

In California itself, as a result of the old land-grant system of Mexico, all the best lands of the State were concentrated in such ownership in ranches of from 50,000 to 500,000 acres. I do not think there is a man who has lived in California for years who has not realized that that concentration of land has prevented the proper development of the State.

In addition to that concentration, there has been another form of concentration going on in the great San Joaquin and Sacramento valleys of that State. Under the early land laws of this country, which provided for the sales of land in large quantities and under grants made by Congress to the State, the State being eager to sell the lands in order to provide for its school fund, a concentration has taken place in the San Joaquin and Sacramento valleys similar to these Spanish land grants, and the same thing has happened in the mountain States generally.

As it was essential in the early stages of the development of the cattle industry that the owners of cattle should conduct their operations upon a large scale, should have large areas of land over which to graze their cattle, large concentrations of land have taken place there, and under existing conditions, as there was no law permitting the acquisition of lands directly from the Government in large tracts or permitting the leasing of these lands, they have been compelled for the protection of their interests to go along the streams and the tributary streams and take up the lands which control the water, and in doing this they have made use not only of the railroad grants and the State grants but also of the desert-land act and the homestead law, parties in their interest making the entries and thus securing title. The commutation clause of the homestead act has been serviceable to them, for under it the entryman, instead of living on his entry for five years and thus acquiring title without cost, can secure title after living on the land for fourteen months by paying \$1.25 per acre, and then he can make title immediately to the man in whose interest he has made the entry.

Now, I have always had a tolerant view of the action of these men, who have yielded simply to the necessities of the conditions in the development of an industry that necessarily was conducted upon a large scale. All I can say is that the concentration of these large areas of land necessarily retard the population development of a State. They constitute simply one era in the development of a State; but a subsequent era is desirable and which ought to be marked by an increase of small homes.

Unfortunately, many of them do not realize this fact. They yield very reluctantly to this movement of the settlers; they embarrass it and retard it in every way possible, for they fear the breaking up of their large cattle and sheep ranges.



## THE IRRIGATION ACT.

So when we came to the national irrigation act we not only provided for the reclamation of Government lands but we also realized that intermingling with the Government lands and adjacent to them were large areas of land held in private ownership, and that the development of the country required that those lands should have water just as much as the lands in Government ownership. What we wished to avoid was storing water and distributing it for the advantage of large land owners, and what did we provide? We provided in that act that wherever land was in private ownership the owner of the land could obtain water for only 160 acres.

The result is, that when the distributive system of water is brought in reach of a great area of land the very fact that the water can be secured adds value to the land. The owner of the land finds that he can not water the land himself, because he can only secure a water right for 160 acres. He is therefore induced by self-interest to divide up his land and sell it to actual settlers; and the Government in those instances will grant to each settler a water right for only 160 acres, and compel the gradual repayment of its cost. So the very policy of the Government, as shown in that act, is in the line of breaking up the existing system of land monopoly and of land concentration in that region. Then we guard against future monopoly of Government lands under the irrigation act by allowing entry only under the homestead act, without commutation, thus compelling five years' bona fide residence and cultivation before title can be secured. The land monopolist can not easily twist such an act to his purpose.

Now, we have made another step in the line of progress by the report to and passage in the Senate of the bill to which I have referred—repealing the timber act—and I trust that that act will be passed by the House. There are two acts which remain—the desert-land act and the homestead law. I am of the opinion that so far as the settlement of the future is concerned the homestead law is sufficient. Its very purpose is to create homes. The man who enters land under the homestead law must live upon it for five years and create a home before he can get title; and whilst in many cases it is very convenient for the homesteader to commute at the end of fourteen months by paying a dollar and a quarter an acre for his land, \$200 for a quarter section, and getting title, yet in many cases that commutation clause furnishes the machinery by which the man who desires either to maintain an existing concentration of land or who wishes to create one by selecting land upon the various streams and tributaries and thus controlling the public domain around it can carry out his purpose.

So far as I am concerned, I do not wish to take from the home builder any existing method of acquiring a home, but I do wish to prevent men, under the guise of home building, from securing lands which they can turn over to those who desire to concentrate lands in large holdings, when those large holdings practically retard the development of the West and will create an agitation for land reform, such as other countries have witnessed. And so I favor the repeal or the modification of the commutation clause of the homestead act.

So it is with the desert-land act. We originally allowed 640 acres to be entered under the desert-land act, and we have cut that down now to 320 acres, and we require strict proof as to reclamation, etc. I am told by those who seem to be informed

on the subject, though I have no personal information myself, that that law has been often evaded, that title has been secured where no actual reclamation has been made, that you will now find large areas of land to which title has been secured under the desert-land act over which ditches have been run ostensibly for the purpose of reclaiming the land, and the ditches are absolutely empty.

Mr. TELLER. I wish the Senator would give us the details where that occurs, so that we might investigate if we should so desire.

Mr. NEWLANDS. I stated that I had no personal knowledge on the subject, but I have heard this statement from many who had the sources of information, and I believe it to be the fact in a great many cases. I doubt whether it is a fact in a very great degree in the State of Colorado, and I do not believe that so far as the State of North Dakota is concerned there has been much evasion of the homestead law. But I believe there has been in the mountain regions, wherever there has been a temptation or an inducement to concentrate these lands in very large holdings for the cattle industry.

Now, so far as the desert-land act is concerned, remember it was passed before the national irrigation act had been passed. It covers practically the same ground. Its purpose was to enable private parties to reclaim desert land.

Under the national irrigation act the Government is going to do that work, and it is going to do it on a very large and comprehensive scale, and where private enterprise will take hold simply of the smaller project, the execution of which might afterwards block the greater project, the Government proposes to inaugurate the greater project and thus include smaller projects.

It seems to me that a comprehensive system of reclaiming the desert lands requires that the United States should be untrammelled in its efforts in this direction, and an intelligent execution of the irrigation act will result in the absolute prevention of land monopoly.

The Geological Survey is proceeding with a very large force of men in all the arid and semiarid States and is working out these engineering problems with a view to the greatest possible development of the West, and I fear that private enterprise under the desert act will simply retard that development instead of advancing it. The fund provided for by that act is ample and is growing every day; and I have no doubt that without further legislation that act will accomplish all that was intended in aiding home building.

I see that the Senator from Iowa is impatient to go on with the appropriation bill. I believe I have already taken up much more time than I ought, so I will yield the floor.

#### STATE COOPERATION.

Mr. NEWLANDS subsequently said: I wish to ask unanimous consent to insert in my remarks of to-day on the public-land laws certain remarks made in the recent Utah irrigation congress upon State cooperation in national irrigation.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that he may insert in his speech of to-day certain remarks made at the Utah irrigation congress upon State cooperation in irrigation.

Mr. WARREN. May I ask what portion of the remarks made



before the Utah convention the Senator proposes to insert—those made by himself?

Mr. NEWLANDS. Simply those made by myself in reference to a statute that is intended to secure cooperation between the States and the National Government on the subject of irrigation. I will say to the Senator that there has been a great deal of inquiry for those remarks and for the Nevada statute passed in aid of such cooperation, which is an appendix thereto. It is intended to be suggestive to other State legislatures in the arid and semi-arid region.

Mr. WARREN. I have no objection to the insertion of such remarks as the Senator desires from those he made at the Utah convention, and I presume at a later date others may wish to draw from remarks made by others in the same way as the Senator now proposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada?

Mr. ALLISON. I think, as a rule, we are inserting in the RECORD too many things that are said elsewhere. But I have no objection, of course, to the suggestion of the Senator that a portion of his own remarks made in another place be inserted in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

The matter referred to is as follows:

#### STATE COOPERATION IN NATIONAL IRRIGATION.

[Address of Hon. FRANCIS G. NEWLANDS, of Nevada, at National Irrigation Congress, Ogden, Utah, September 18, 1903.]

MR. PRESIDENT AND GENTLEMEN OF THE ELEVENTH NATIONAL IRRIGATION CONGRESS: It gives me great pleasure to attend a meeting of the irrigation congress in the State of Utah. Eleven years ago, in common with many whose faces I see about me, I attended the first session of the irrigation congress in the Territory of Utah; and we there received the inspiration which through ten years of temporary discouragement and continuous effort sustained us, until we finally placed upon the statute book of the United States an act, not simply providing an appropriation for an individual project, the whole force and strength of the movement to be stayed until the success of that project was demonstrated, but a general and comprehensive law, operating through all time, so long as an acre of land capable of irrigation remained unreclaimed; providing an ample fund for the present and the future, depending in the future upon none of the accidents of legislation or caprice of public policy—a statute which had as its essential spirit and motive home-building, limitation of entry to the amount of land necessary for and capable of supporting a family, and the protection of every irrigation project against the schemes of speculation and monopoly.

It is fitting, therefore, as the first irrigation congress was held in the State which, under the guidance of Brigham Young, gave to the country an illustration of the beneficial effects of irrigation, that this congress, called together after the passage of that triumphant act, should meet here for the purpose of deliberation and counsel as to the best method of carrying it into effect and of securing its comprehensive and beneficent administration. That the Government of the United States, representing the en-

ture people, has done everything that statute can do to forward this great work is evident by a review of its provisions. It provides a perpetual reclamation fund in the Treasury, derived from the sale of public lands in thirteen States and three Territories. These receipts are forever dedicated to irrigation. The receipts of this year, of next year, of all the future years, are appropriated now to the construction of irrigation works. We have the unit of entry fixed at the number of acres capable of supporting a family—from 40 to 160, according to the discretion of the Secretary of the Interior. We have provided that only those can obtain title who live upon the land for five years and reclaim the land. The commutation clause of the homestead act, which has been the means of fraud in the securing of land titles throughout this entire region, is repealed, so far as the lands coming under this act are concerned; and residence for five years—honest work for five years—is required as the condition of title. Thus this work is dedicated forever to the home builders.

Then as to the water rights. The Government stores the water, accumulates it in vast reservoirs, leads it out from the reservoirs in great ditches, brings it within the reach of the settler, and then grants him a water right, payable in ten years without interest, in annual installments of one-tenth each. Then the Government for all time will administer these great reservoirs, surrendering, however, final control of individual projects to a government of home rule, created by the settlers themselves, with the approval of the Secretary of the Interior. The existing landowner, also, is not neglected. The sentiment which at first prevailed that this act should be applied only to Government lands was overcome, and we have a provision, ample and comprehensive in its character, which permits the Interior Department to grant water rights as to land now in private ownership.

But even there it secures the country against the evils of concentration of land in single ownership and of land monopoly; for instead of selling the large landowner a water right covering his entire tract, the act provides that the right can be granted for 160 acres only. But whilst the large landowner can secure a water right for only 160 acres, he can divide his tract into 160-acre farms, and each grantee can buy from the Government a water right, payable in ten annual installments, and thus large tracts of land in private ownership to-day, lacking the water sufficient to give them value, and for that reason lacking a market, will be brought into the market. The owners will be able to dispose of them by subdivision into 160-acre farms, for the Government stands behind ready to sell each grantee of the large landowner a right for water which will be perpetually appurtenant to his farm. We have given those who now own large tracts of land and are land poor a chance to realize money for land, and at the same time we have created, in this very act, by these provisions appealing to the self-interest of these large land proprietors, the machinery that will force and compel the subdivision of these great areas of land now standing in single ownership and constituting a menace to the development of our States and Territories.

The National Government has done everything. The National Government stands as the benefactor. We stand as the beneficiaries, present and prospective. What can we, the beneficiaries, do, then, to sustain and support the Government in its great work? This involves the question of State cooperation in national irri-

gation. I take it that it is the sense of every man in this Congress that no means should be neglected of securing the friendly aid of the Government in each State and Territory. I take it for granted that the spirit of cooperation exists everywhere. The only question is, How can that spirit be shown and demonstrated? Let me say a few words upon that subject and give you from time to time illustrations derived from the experience of my own State.

In the first place, I contend that we can do much in the shape of friendly legislation. What does the Government propose to do? It proposes, upon every river in this region where the water supply is insufficient during the period of cultivation, and where that water supply can be increased during the period of cultivation, by storage, to construct reservoir and irrigation works for the purpose not only of filling out and completing existing rights which are insufficient, but to aid in the building up and development of the State by bringing new areas now arid and unproductive into cultivation and productiveness. In doing this work it finds that land is already under cultivation, that water has already been appropriated, that water rights already exist, and it becomes a matter of importance for the Federal Government to ascertain the area of that cultivation, the nature of those rights, the extent of those appropriations, and the economy exercised in the use of water, and it is called upon to determine these problems, first, in order to determine the financial problem as to how extensive the contemplated work should be, how large the area of new land which it shall cover, and the extent of the available water supply.

To reduce these to mathematical exactness, inquiry into existing water rights, their extent and nature, is an essential part of the great irrigation work. These water rights exist under State laws, under domestic laws relating to appropriation of water; and the question of beneficial use largely depends upon State laws, whether that use shall be in the highest degree economic, enabling the utilization of the largest area of lands, or extravagant and wasteful, minimizing the beneficent action of this law. Therefore the State should cooperate with the Federal Government in the ascertainment of these facts and aid it in that work in every way possible. Such is the spirit in my own State. Fortunately we have there no code of laws relating to stream control. We have no board of control, no board of engineers, no officials likely to antagonize the Federal work. We have no system to which the people themselves are wedded by custom. We therefore determined to do the best thing we could to welcome the National Government into the domain of that State and to show in every way by our legislation that we cooperated with it in the great work.

At the last session of the Nevada legislature committees on irrigation were appointed by the senate and assembly, which met in joint conference. They did me the honor to invite me to take part in their deliberations, and, with the water laws of neighboring States before us, we started upon our work. Before closing it we had a joint conference of both houses of the legislature, at which Governor Sparks presided, and many of us presented our views in a tentative way, inviting suggestion and opinion. It was pointed out that the National Government stood in the position of a projector not of an enterprise intended for its profit, but of a great scheme of internal improvement, intended to develop



the arid West on broad and comprehensive lines, and in such a way as to avert the evils of land monopoly and to promote the division of the public domain into homes for the advancing army of settlers; that it intended no injury to existing users of water, but, on the contrary, to recognize and secure them, whilst at the same time saving the torrential waters and holding them for use, both in the old and the new settlements, until the time when they would be most needed. The result of this conference was a general expression to the effect that the National Government should receive the cooperation of the State in its work, and that everything possible should be done by helpful State legislation to avoid unnecessary friction between State and Federal officials; to adopt some system by which existing rights could be ascertained and regulated; to institute some degree of stream control, so that the Government could know what water belonged to private users and what was necessary to make their existing rights full and sufficient and what would be available by proper storage and stream control and economical use for new projects, and thus to weld the State and Federal officials into one cooperative machine, working for the common good. And so we drew and the legislature passed an act on these lines, in the preamble of which we put the entire national irrigation act, section by section, and declared that it was the purpose of the State of Nevada to cooperate with the Federal Government in every way; that while the work of construction was going on unity of stream control was essential.

It is just and proper that the Federal Government should have some degree of supervision over the stream whose flow it is largely augmenting, and public policy requires that the State should advance in every way the efforts of the Federal Government. And so under this act the State of Nevada, through its governor, appoints the State engineer, upon the recommendation of the Secretary of the Interior. The governor can reject the nomination of the Secretary of the Interior and compel another nomination, but the man when finally appointed must be recommended by the Secretary of the Interior. We thus obtain a man upon whom the judgment of both the National Government and the highest State official has united as the man best fitted for the place. We also provide for the organization of the State board of irrigation, consisting of the governor, attorney-general, and surveyor-general, with the State engineer as a fourth member. I was recently present at a meeting of the State board of irrigation in which these four officials sat—three of them officials of the State, the other an official of the State recommended by the National Government—all engaged in harmonious discussion regarding these projects for the development and advancement of the State.

Under this law the State engineer is charged with the duty of making a list of priorities. That is not a judicial action. It is simply executive and administrative. Some one must make a list of these water claims; some one must write them down in the order of priority. We assigned that duty to the State engineer; but we provided that any water user taking exception to the list prepared could go into court, make all other water users and the State engineer party to the action, and determine his right, the purpose of this being to secure every man his existing vested rights.

The State engineer is permitted to appoint as assistant engineers men who shall be recommended to him by the Secretary of

the Interior, and he is now availing himself of the services of a number of hydrographers, scientific skilled men in the employ of the United States Geological Survey, acting as assistants to the State engineer. These Federal engineers act for the State, though it involves no expense to the State. The State thus has a corps consisting of a chief engineer and assistant engineers, the chief and the first assistant paid by the State, the others paid by the Federal Government, all commissioned by the State to inquire into this question of existing water rights and map the claims of the different users. In our State we found that whenever we attempted to pass a bill providing for the ascertainment of water rights, it was a matter of great vexation to the farmers.

The man who cultivates the soil, as a rule, stands in dread of a statute. If he finds he is compelled by that statute to make a statement of his claim, to have a survey made of the area of land covered by it, to have a map made of his ditch and land, he stands aghast. It involves with him the employment of a lawyer, an engineer, and much vexation of spirit. We have passed one or two laws in the history of the State and have been compelled by the popular clamor to repeal them before they went into effect. In this case the purpose of the act was to make that work easy for the settlers themselves, to give them the friendly aid and cooperation of the Federal Government, and as the result of this act the Government hydrographers, acting as assistant State engineers, move about among the farmers, ascertain their rights, explain the law, do away with the misapprehension that existed in their minds, and perform a real service to the farmers without expense to them. The result is that when the work is done each settler will simply sign his name to the record made by the Government engineers—a record made in all honesty. And while there may be some contention, my judgment is that in this process of personal instruction and personal presentation that is going on throughout the entire State, all difficulties in this matter will entirely disappear.

Then we have provided for district commissioners. These are to act after the rights are ascertained; to act on each stream according to this list of priorities, and to serve each man his water according to his right, and to serve the Government and its grantees their water according to their rights. We think that it would be grossly impudent in us to claim that State officials alone should undertake to carry out this work. Take the Truckee River, for instance, upon which one of the projects recommended by the Interior Department is now being constructed. There we have only 40,000 acres under cultivation. The crystal waters of that stream, issuing from the mountains, rush through our valley in a turbulent stream when the waters are not needed, and the stream is reduced to a thread when the waters are most needed. Mathematical computation has shown that if these waters are properly stored and conserved, this area of reclamation of 40,000 acres now existing, and which has reached its limit under present conditions, will be extended to seven or eight hundred thousand acres; and the project now under contemplation involves the actual watering of over 300,000 acres.

Think of that! The existing settlers have water for the use of 40,000 acres; the Government is about to create water there that will supply seven or eight hundred thousand acres. Would it not be colossal effrontery upon the part of the owners of that 40,000 acres to demand that they should have the absolute control over



the stream; that Uncle Sam should be compelled to spend millions of dollars in storing water and absolutely lose all control of it as soon as it disappears from the reservoirs? It was in the spirit of amity and cooperation that we provided that the water commissioners under that statute should be recommended by the Secretary of the Interior, and we had two purposes in view: One was that it was but just to give the creator of the majority of the water something to say regarding the administration of it, and the other was we felt assured it would be for the benefit of our own people to have such men as are in the geological service—trained engineers, experienced men, and, above all, impartial men—administer the control of the stream.

I remember when we were framing this act I felt there would be some hesitation on the part of the people with reference to this matter; that a provision that I thought just might appear to them to be, as it was termed by some one, a surrender of the sovereignty of the State, and I questioned a farmer who was on the committee as to what system of water administration he would prefer; whether he preferred a system of home rule, in which the voters of the community would select the water commissioners, or that they should be appointed by the governor, or be appointed by the governor upon the recommendation of the Secretary of the Interior, thus utilizing the great national forces in this work. He was puzzled for a moment, and then said: "Well, if the governor appoints, that may be politics; and if we appoint, it will be a fight between the upper stream and the lower stream, between ditch A and ditch B, as to who shall select the water commission. We can't trust each other, but we can all trust Uncle Sam."

Now, this act is upon our statute books. It is now being administered without friction. While I can not expect all States of this region, which have, through much toil and trouble, worked out a system of legislation regarding stream control, to abandon their chosen method and adopt ours, I yet take the liberty of suggesting that there are many things in this act, and particularly in the spirit of this act, that can be emulated by our sister States and Territories. I was glad to see that President Roosevelt, when recently in Nevada, referred to this act as a model of legislation for other States.

I wish to say a word to the State of California, in which I lived for many years and with whose prosperity that of Nevada is strongly identified. I observed that during the last session of the legislature they were in contention there regarding a State irrigation law intended to determine existing rights and to secure the proper administration of stream control; and that there the south was against the north; the north was against the south; the large interests against the smaller; and the interests which now controlled the scanty water supply were fearful that the enlarged water supply of the future might not be administered to their advantage, and the result was that the bill failed. I have nothing to say either in defense or criticism of that bill. All I can say is that it is a pity that some bill for the ascertainment of existing rights and for the administration of stream control for regulation and economical use of water was not passed. The people of California can not expect the Government of the United States to have no authority in this matter.

As an individual, I say they have no right to expect the Federal Government to come within their boundaries and do this great work for the development of their State and the increase of

its population unless that State is at peace with itself. California is to-day struggling with extraordinary difficulties. The streams which flow from the Sierra Nevada Mountains to the ocean have been appropriated over and over again. The utmost limit, I believe, of cultivation under existing conditions has been reached. Hundreds and thousands of acres of land have been sold in that State, with supposed water rights attached, which under existing conditions do not furnish sufficient water to permit of cultivation. The forests of that State have been largely cut down. The snows in the mountains, which, protected by the forests, once constituted natural storage reservoirs of water, now melt rapidly. Torrential streams come now where the water used to flow equally and gradually, and the development of the State of California absolutely depends upon the conservation of these waste waters, vast in quantity, that now make their way to the ocean.

These projects are all expensive. Two or three of them involve more than \$2,000,000 each. So the problem is a difficult one; and in addition to that is the fact that in that State there is little public land left. The very primary purpose of this act was to irrigate public land, and connected with that was the power to irrigate private lands; the purpose of the act was to protect existing settlements, as well as to create new ones. But as long as the private land owners are in contention as to the method of stream administration, how can the Government of the United States, without any public lands to which it can apply its waters, be safe in expending millions of dollars, unless the State of California shows the spirit of cooperation that has been shown by this Nevada statute and invites the Federal Government within its boundaries, and by State law protects it in the administration of stream control?

The reasoning which I have applied to that State would apply to others. It applies to every community, particularly where existing water rights are insufficient and where Government aid is required to complete them; and I urge upon all of you when you go back to your homes to raise this question as to harmonizing your State laws with the Federal purpose and of extending to the Federal Government a cordial invitation and cooperation. We can also aid in other matters in the public sentiment prevailing regarding our land laws. Unfortunately the land laws of this country have been maladministered in many cases. The purpose of the Government was always beneficent, but the laws have been so maladministered in some cases as to tend to land monopoly. Every movement for the reform of these land laws is met with opposition from our region; opposition many times honest and often interested. Let us see to it that the reform legislation of the future regarding these lands is not aimed against us by an indignant East, but is framed by a candid West.

I have nothing particular to say regarding the discussion now going on as to the propriety of repealing some of these laws. My mind is not fully made up, because I have not thoroughly investigated; but I apprehend, from all I have heard, that there must be faults both in the law itself and in the administration which must be corrected, otherwise I can not understand the difference in opinion between the Congressman from Wyoming, who stands up for the present system, and the Senator from Montana, who insists that the system is iniquitous and that our lands are being absorbed by speculators and monopolists. The same laws exist

in both States. Are we to infer, then, that the law is well administered in Wyoming and badly administered in Montana. But how can we assume that when the law is administered by the same officials, the same land department of the United States. I assume, therefore, when Mr. MONDELL says no such cases of fraud have been brought to his attention that he is entirely sincere in his statement, and I assume when Senator GIBSON says that numerous cases of fraud and monopoly have been brought to his attention that he knows what he is talking about. And so I must assume that there are abuses to be corrected, and all I can say now is that the people of this region should enter upon that inquiry with impartial and candid minds and with the determination to guard well the development of the future.

Now, my friends, we all listened with delight to Commander Booth-Tucker, of the Salvation Army, when he presented that magnificent address, so business-like in character, and yet adorned by humor, wit, and fancy in the highest degree. I think there was not one of us who did not feel his pulse stir. I think there was not one who did not feel that Utopia was almost within realization. We have a vast domain here, aggregating more than one-third of the entire area of the United States, that is capable of sustaining a vast population. We have passed through an era of development which in itself is educational. We know, or ought to know, the evils we are to avoid. We ought to know that this place should be made the home not of concentrated wealth but of distributed wealth. We know we have to do with the making of a policy that will create individual homes throughout this entire region, that will make the home the very basis of our educational, social, and business life. This act is a step in that direction. Through the beneficent operation of that act, under a beneficent government, we may well expect to reach out for and accomplish all that the imagination and the logic and the reasoning power of Commander Booth-Tucker have depicted; but this work rests with us. We are the people who are to instruct the East as to legislation relating to the West. We are the people who are to see to it that this law is wisely administered. We are the people who are to extend the hand of welcome and fellowship to the Federal Government; and if we simply pursue the spirit of cooperation, and permit that spirit to take possession of us, animating us everywhere in the development and upbuilding of this great region, the future will have no word of reproach against this generation.

#### APPENDIX.

##### THE NEVADA STATUTE.

An act providing for the cooperation of the State of Nevada with the Secretary of the Interior of the United States in the construction and administration of irrigation works for the reclamation of arid lands in the State of Nevada, for the measurement, appropriation, and distribution of water, determination of water rights, preserving and certifying records thereof, creating offices for the enforcement hereof, defining the tenure of office, powers, and duties, and fixing their compensation; providing for penalties for infringements hereof, and enacting a standard measure of water, and conferring upon the Secretary of the Interior such rights and powers under the laws of Nevada as are necessary to enable him to carry out and execute an act of the Congress of the United States, approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved February 16, 1903.

Whereas the Congress of the United States did, by an act approved June 17, 1902, enact the following law:

"Be it enacted, *etc.*, That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada,



New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the above States set aside by the law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the 'reclamation fund,' to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act: *Provided*, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the act of August 30, 1890, entitled 'An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862,' the deficiency, if any, in the sum necessary for the support of said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

"SEC. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all tracts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

"SEC. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section 4 of this act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purpose of this act; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable or advisable, and if determined to be impracticable or inadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than 40 or more than 160 acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, that the commutation provisions of the homestead laws shall not apply to entries made under this act.

"SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which said charges shall be paid, and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

"SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the land covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a

tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner, unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

"SEC. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: *Provided*, That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

"SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Interior under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

"SEC. 8. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

"SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

"SEC. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

And

Whereas the Secretary of the Interior of the United States, acting by and through the United States Geological Survey, has entered upon the examination, survey, and location of irrigation works on the Truckee, Carson, Walker, and Humboldt rivers, in the State of Nevada, as provided for in section 2 of said act, and is or soon will be prepared to let contracts for the same as provided in section 4 of said act; and

Whereas a sum approximating \$10,000,000 is now collected in a special fund in the Treasury of the United States, known as the "reclamation fund" referred to in section 1 of said act, and is applicable to the construction and maintenance of irrigation works for the reclamation of arid and semiarid lands in the arid and semiarid States and Territories, and it is desirable that a portion thereof be immediately applied to the construction, maintenance, and operation of irrigation works in and for the State of Nevada; and

Whereas it is estimated by the United States Geological Survey that the



waters of the Truckee River, now irrigating only 42,000 acres of land in Nevada, can, by conservation and economical use, be made to supply 280,000 acres; and the Carson River, now irrigating in Nevada only 50,000 acres, can, by conservation and economical use, be made to supply 175,000 acres; and that the waters of the Walker River, now irrigating 40,000 acres in Nevada, can, by conservation and economical use, be made to supply 200,000 acres; and that the waters of the Humboldt River, now irrigating in whole or in part 300,000 acres, can, by conservation and economical use, be made to supply 750,000 acres; thus increasing the total irrigated area of the aforesaid rivers from 432,000 acres to 1,405,000 acres of land in the State of Nevada, thus vastly increasing its population and wealth; and

Whereas similar work of examination, survey, and location is being done in other arid and semiarid States and Territories, and each and every of said States and Territories is applying to the Secretary of the Interior for the immediate commencement of work and construction; and

Whereas it is within the discretion of the Secretary of the Interior to expend the whole or any part of said fund in any arid or semiarid State or Territory; and

Whereas it is understood to be the disposition of the Secretary of the Interior to commence work immediately upon such irrigation projects as are feasible and along the lines of least resistance, and which are located in such States and Territories as indicate by their laws and the action of their public officers the best spirit of cooperation and helpfulness; and

Whereas in section 6 of said act the Secretary of the Interior is authorized to use the said reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of said act: *Provided*, That when the payments required thereby are made for the major portion of the lands irrigated from the waters of any of the works therein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government of the United States until otherwise provided by Congress; and

Whereas it is deemed advisable by the State of Nevada that during the period of the construction of such works in or for the State of Nevada by the Federal Government, and during the operation, management, and maintenance thereof by the Federal Government, unity of control of the river on which such works are constructed is essential, and it is desirable that such unity of control be exercised by the Secretary of the Interior until the management, operation, and maintenance of such works shall pass to the owners of the lands irrigated thereby, as provided in section 6 of said act; and

Whereas it may become necessary for the Secretary of the Interior in carrying out the provisions of said act to proceed to condemn rights or property in the State of Nevada, and it is desirable that every facility should be given to the Secretary of the Interior for the speedy adjudication of such proceedings in the courts of Nevada; and

Whereas it is expressly declared by section 8 of said act that nothing therein shall be construed as in any way interfering with the laws of any State or Territory relating to control, appropriation, use, distribution of water used in irrigation, or any vested right acquired thereunder; and

Whereas it is the purpose of the Secretary of the Interior not to impair or injure vested rights, but on the contrary to confirm the same, and to provide by storage such an abundance of water as to make such vested rights more full, certain, and assured in their beneficial operation than at present; and

Whereas it is essential that the Secretary of the Interior, before proceeding to actual construction on any river in Nevada, shall be informed as to the extent of the present actual appropriation and beneficial use of water by existing communities, in order that the Secretary of the Interior may be informed as to what quantity of water will be necessary to fully supply existing uses, and what quantity of water will be available for the supply of new lands and new uses; and

Whereas it is the desire of the State of Nevada to cooperate in every way with the Secretary of the Interior in the construction, operation, management, and maintenance of irrigation works in the State of Nevada under said act, and it is to the interest of the State of Nevada that every inducement should be held out to the Secretary of the Interior by cooperation and helpful State legislation to enter upon the work of construction, operation, management, and maintenance as aforesaid: Now, therefore,

*The people of the State of Nevada, represented in senate and assembly, do enact as follows:*

SECTION 1. All natural water courses and natural lakes and the waters thereof which are not held in private ownership belong to the public and are subject to appropriation for a beneficial use, and the right to the use of water so appropriated for irrigation shall be appurtenant to the land irrigated, and

beneficial use shall be the basis, the measure, and the limit of the right. The use of all water now appropriated, or that may hereafter be appropriated, is hereby declared to be a public use.

SEC. 2. The maximum quantity of water which may be appropriated or used for irrigation purposes in the State of Nevada shall not exceed 3 acre-feet per year for each acre of land supplied.

SEC. 3. The office of State engineer is hereby created. He shall be appointed by the governor, and shall receive a salary not exceeding \$2,400 per annum, payable in equal monthly installments by the State treasurer upon warrants drawn by the State controller. He shall keep his office at the State capitol. No person shall be appointed as such State engineer who does not have such training in hydraulic engineering and such practical skill and experience as shall fit him for the position; nor shall any person be so appointed save upon the recommendation of the Secretary of the Interior or the Director of the United States Geological Survey, unless after thirty days' notice to such officials they shall fail to make such recommendation. He shall hold his office at the pleasure of the governor, but his successor shall, in all cases, have the foregoing qualifications and recommendations. He shall not be permitted to accept any private employment.

SEC. 4. Before entering upon the duties of his office the State engineer shall take and subscribe an official oath such as is provided by law for said officers before some officer authorized by the law of the State to administer oaths, and shall file with the secretary of state said oath and his official bond in the penal sum of \$5,000, with not less than two sureties, to be approved by the governor of the State, and conditioned for the faithful discharge of his official duties, and for the delivery to his successor, or other person appointed by the governor to receive the same, all moneys, books, and other property belonging to the State then in his hands and under his control or with which he may be chargeable as such officer.

SEC. 5. The State engineer shall perform such duties as are prescribed herein. He shall become conversant with the State and the needs of the State as to irrigation matters, and in his reports to the governor he shall make such suggestions as to the amendment of existing laws or the enactment of new laws as his information and experience shall suggest, and he shall keep in his office full and proper records of his work, observations, and calculations, all of which shall be the property of the State. He shall cooperate with the Secretary of the Interior in all work of construction, operation, maintenance, and management of irrigation works constructed by the Secretary of the Interior in and for the benefit of Nevada, under an act of Congress of the United States approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and shall in every way facilitate the work of the Secretary of the Interior in carrying out the provisions of said act in the State of Nevada.

SEC. 6. The State engineer shall have the power to employ an assistant engineer at an expense not to exceed \$1,200 per annum, and to employ other assistants at a total additional expense not to exceed \$500 per annum; such assistant engineer and such additional assistants to be paid out of any money appropriated for that purpose, on the certificate of the State engineer and the approval of the State board of examiners. He may also appoint as assistant engineers and as additional assistants such persons in the service of the United States Geological Survey as may be designated by the Secretary of the Interior or the Director of the United States Geological Survey; but such assistant engineers and such additional assistants shall be entitled to no pay from the State of Nevada.

SEC. 7. When the State engineer or his assistant engineer is called away from his office he shall be entitled to his actual traveling expenses, which shall be paid out of any money appropriated for that purpose, on the certificate of said State engineer approved by the State board of examiners.

SEC. 8. The State engineer shall prepare and render to the governor biennially, and oftener if required, full and true reports of his work touching all the matters and duties devolving upon him by virtue of his office, which report shall be delivered to the governor on or before the 31st day of December of the year preceding the regular session of the legislature.

SEC. 9. Such State engineer shall prepare for each stream in the State of Nevada a list of the appropriations of water according to priority, and in order to make such list he shall inclose to each person having a claim to the waters of such stream a blank form on which said claimant shall present in writing all the particulars showing the amounts and dates of appropriations to the use of water of said stream to which he lays claim, the said statement to include the following:

The name and address of the claimant.

The nature of the use on which the claim for an appropriation is based.

The time of the commencement of such use, and if distributing works are required.

The date of beginning of survey.

The date of beginning of construction.

The date when completed.

The date of beginning and completion of enlargements.

The dimensions of the ditch as originally constructed and as enlarged.

The date when water was first used for irrigation or other beneficial purposes and, if used for irrigation, the amount of land regained or irrigated the first year; the amount in subsequent years, with the dates of reclamation, and the amount of land such ditch is capable of irrigating. The character of the soil and the kind of crops cultivated, and such other facts as will show a compliance with the law in acquiring the appropriation and the rank of priority claimed.

SEC. 10. Each of said claimants shall be required to certify to his statements under oath, and any officer authorized to administer oaths is hereby authorized to administer such oath.

SEC. 11. The failure of any claimant to make such a sworn statement within sixty days after notice that such statement is required by the State engineer shall be punishable as a misdemeanor on the complaint of the State engineer or any of his assistants.

SEC. 12. It shall be the duty of the State engineer or some qualified assistant as soon as practicable to make an examination of such stream and the works diverting therefrom, said examination to include the measurement of the discharge of said stream unless adequate proof is available from the measurements made by the United States Government, and of the carrying capacity of the various ditches and canals diverting water therefrom; an examination of the irrigated lands, and an approximate measurement of the lands irrigated or susceptible of irrigation from the various ditches and canals, which said observations and measurements shall be reduced to writing and made a matter of record in his office, and it shall be the duty of the State engineer to make or cause to be made a map or plat on a scale of not less than 1 inch to the mile, showing with substantial accuracy the course of said stream, the location of each ditch or canal diverting water therefrom, and the legal subdivisions of lands which have been irrigated or which are susceptible of irrigation from the ditches and canals already constructed. In performing such work the State engineer or his assistant may avail himself of the works, records, and information of the United States Geological Survey.

SEC. 13. Within thirty days after the preparation of the list of priorities of appropriation of the use of waters of any stream it shall be the duty of the State engineer to issue to each person, association, or corporation represented in such list a certificate, to be signed by said State engineer, setting forth the name and post-office address of the appropriator, the priority number of such appropriation, the amount of water appropriated, and amount of prior appropriations, and, if such appropriations be for irrigation, a description of the legal subdivisions of the lands to which said water is to be applied. And he shall also send such certified list, by registered mail, to the county recorder of the county in which such appropriations shall have been made, as well as to the county recorder of the county in which the waters appropriated are used, and it shall be the duty of said county recorder, within ten days after the receipt of such certificate, to record the same in a book specially prepared and kept for that purpose, and the fee for such record shall be fixed by the governor and shall be allowed and paid by the board of examiners out of funds in the treasury applicable thereto.

SEC. 14. Any party, or number of parties, acting jointly, who may feel themselves aggrieved by the determination of the State engineer, may bring an action in any court having jurisdiction against such State engineer and all persons having interests adverse to the party or parties bringing the action to have their respective rights determined. Such action must be brought within two years after the record of such list of priorities of appropriation has been recorded. Such action shall be tried as speedily as possible, and the court is hereby authorized to employ a hydraulic engineer or other expert to examine and make report under oath upon any subject-matter in controversy, the cost of such employment to be equitably apportioned by the court and charged against the parties to the suit as costs.

SEC. 15. The water commissioners hereafter provided shall make apportionment of the waters of such stream according to the list of priorities recorded as aforesaid, unless such list be corrected by the judgment of some court having jurisdiction of the subject-matter.

SEC. 16. Within sixty days from the passage of this act it shall be the duty of the county recorder in each of the counties of this State to prepare a full and complete transcript of all the claims and appropriations of water now on file in their respective offices, and to transmit the same, without delay, to the State engineer by express or registered mail. It shall also be the duty of the clerk of each district court in the State, within thirty days of the passage of



this act, to transmit to the State engineer, in like manner, certified copies of all decrees of said district courts affecting water rights on file in the offices of the said clerks of the said district courts of the State. The State engineer shall also obtain copies of all decrees of the United States court for the district of Nevada affecting water rights. Said recorders and said clerks of the said State district courts shall receive, in compensations for their services in the preparation of said transcripts and copies, 12½ cents per folio, which shall be paid by the county in which such court is situated; and the same allowance shall be made for certified copies of decrees of the United States court for the district of Nevada, and shall be paid out of the State treasury.

SEC. 17. The State engineer shall be a member of the State board of irrigation created by an act of the legislature of the State of Nevada approved March 16, 1901, entitled "An act to provide for the measurement of streams, the survey of reservoir sites, the determination of irrigation possibilities, and for the best methods of controlling and utilizing the water resources of the State of Nevada in cooperation with the United States Geological Survey and the United States Department of Agriculture and the Nevada Experiment Station." The said State engineer shall be the secretary of said board of irrigation and shall keep the records thereof in his office.

SEC. 18. The said board of irrigation shall divide the State of Nevada into such water divisions or water districts as seem to it advisable, and may change the same from time to time. It may appoint water commissioners whose duty it shall be to measure and divide amongst the appropriators the water of such streams according to priority of right and the amount to which each is entitled. It may make such rules and regulations as to it shall seem advisable for the proper and economical administration of the waters of such streams, and may fix penalties for the violation of such rules and regulations. Such appointment as water commissioners shall be made upon the recommendation of the Secretary of the Interior or the United States Geological Survey, and may include persons in the service of the United States Geological Survey; but if after thirty days' notice the Secretary of the Interior or the said Geological Survey shall fail to make such recommendation, it shall have the power to appoint such commissioners without such recommendation.

SEC. 19. The board of irrigation shall determine the number and compensation of the water commissioners appointed under this act, and said water commissioners shall be and act under the direction of the State engineer. The compensation of said water commissioners shall be paid, upon the approval of the board of irrigation, by the county in which the work of such commissioners is performed, in the same manner as other county bills are presented and allowed.

SEC. 20. Any person interfering with, obstructing, or resisting the State engineer, assistant State engineer, or any water commissioner in the performance of his duty or duties, as prescribed by this act, or by the rules or regulations adopted by the board of irrigation, shall be deemed guilty of a misdemeanor.

SEC. 21. The Secretary of the Interior is hereby authorized and empowered to institute proceedings in any of the courts of the State of Nevada for the condemnation of any rights of property deemed by him to be necessary for any of the works to be constructed by him or under his direction, under the said act of Congress of June 17, 1902, or necessary to carry out the provisions of said act. Such proceedings shall be expedited by said courts as rapidly as possible.

SEC. 22. The sum of \$15,000 is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 23. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.







ELECTION OF SENATORS.

---

REMARKS

OF

HON. GEO. C. PERKINS,  
OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

JUNE 5, 1896,

IN SUPPORT OF THE JOINT RESOLUTION PROPOSING AN AMENDMENT  
TO THE CONSTITUTION OF THE UNITED STATES PROVIDING  
FOR THE ELECTION OF SENATORS BY DIRECT  
VOTE OF THE PEOPLE.

---

WASHINGTON.  
1896.



## Election of Senators.

---

### REMARKS OF HON. GEO. C. PERKINS, OF CALIFORNIA, IN THE SENATE OF THE UNITED STATES, *Friday, June 5, 1896.*

---

The Senate, as in Committee of the Whole, took up for consideration the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States, which resolution is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as the sixteenth amendment.*

That the Senate of the United States shall be composed of two Senators from each State, who shall be chosen by a plurality vote of the people of the several States for six years; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and each Senator shall have one vote.

When vacancies happen in the representation from any State by resignation or otherwise, the executive thereof may make temporary appointments until the next general election in such State for Members of the House of Representatives in Congress, when such vacancies shall be filled by a vote of the people as aforesaid.

#### MR. PERKINS' REMARKS.

Mr. PERKINS said:

Mr. PRESIDENT: The people whom I, in connection with my distinguished colleague, have the honor to represent have manifested their opinion on this question in no uncertain way. By a vote of 187,000 against 13,000 they have shown how strong is their belief that the election of United States Senators should be by popular ballot. In entering a plea for that mode of election I am, therefore, speaking for practically all persons in California who have a right to demand representation in those bodies that make the laws by which they are governed and levy the taxes which they are to pay. It is a right in defense of which their ancestors took up arms. It is a right which was established at the cost of suffering, privation, and blood, and which is recognized to be the foundation upon which rests the liberty that 70,000,000 people now boast of. It is because the people of the United States are jealous of that right and believe that it either has been, or is in danger of being, denied them that from one ocean to the other there has arisen a demand that they themselves

shall by votes deposited in the ballot box by their own hands elect the Senators who are to represent them in this Chamber.

In debating this question attention has been called to the study given to the principles of self-government by the framers of our Constitution which has imposed upon us the election of Senators by the legislatures of the several States. The members of the convention were, as has been said, of English stock, trained in the principles of English liberty. No deliberative body that has ever assembled has been influenced by so pure a patriotism, has so unselfishly devoted itself to a great cause, has been so earnest in its effort to establish human liberty on a sure foundation. But the members of the convention were men, and man is not infallible; neither can he foresee the conditions which the progress of civilization brings about. He is compelled as best he may to judge of the future by the present and the past, and shape his course by the light which history affords. And so these men of English blood, who had had occasion to study the principles of liberty as found in England, could not wholly emancipate themselves from the influence which English institutions exerted.

#### THE SENATE AND THE HOUSE OF LORDS.

Throughout our Constitution this influence is observable, but in no part in so marked a manner as in that provision relating to the United States Senate. It was here that their dependence upon the past was most strongly felt. Different conditions and different material necessitated some change, but as far as the members of the convention were able they fashioned the United States Senate after the English House of Lords. Mr. Dickinson, a member of the Constitutional Convention, frankly wished to make the Senate as nearly as might be like the upper house of the British Parliament. Hamilton said:

The best form of government, not attainable by us, but the model to which we should approach as near as possible, is the British constitution. \* \* \* Its House of Lords is a noble institution. \* \* \* It forms a permanent barrier against pernicious innovations on the part of both Crown and Commons. \* \* \* The English model is the only good one.

The delegates believed that a difference in the interests of the two Houses was necessary, in order that, as in Parliament, all questions coming before Congress might be looked at from different points of view. The Federalists said that we must have a landed estate. There was here, however, no landed aristocracy, no titled nobility, no class distinct from that of the people at large, from whom such a Senate could be formed. All citizens of the United States were, and were to continue to be, free and equal, and entitled to representation. That great fact lay as an obstacle in their way, and gave rise to the fiction of the State as distinct from the people, and of its representation by Senators elected by legislatures, and not by popular vote. This idea of the necessity of a difference in the basis of representation still clings to the Englishman, though he is anxious to get rid of that House in which it has been so conspicuously manifested.

Those who propose to reconstruct the House of Lords—

Says Mr. Bryce—

are at their wits end to discover some plan by which it may be strengthened and made practically useful without such a direct election as that by which members are chosen to the House of Commons.



But they will find, as the United States has found, that there can be no true representation of the people unless the people themselves cast the vote.

#### THE MANNER OF ELECTING SENATORS.

It has been the custom of those who have spoken and written in praise of the United States Senate to ascribe much of its strength and usefulness to the manner in which its members are elected. It is assumed that the removal of their choice from the direct action of the people has given them an independence which they would not otherwise possess, and a point of view in looking at public questions which the man elected by the people by direct vote does not have. Though coming from the same State, surrounded by the same influences, imbued with the same popular ideas as his neighbor who goes to the House of Representatives, the Senator is supposed, by reason of the mere manner of his election, to view things differently. Mr. Dickinson, who wished to make the Senate as nearly like the House of Lords as possible, recognized the independence which a long term of office would give, and argued that, endowed with authority permanent and irrevocable for three, five, or seven years, Senators would decide with uncommon freedom from influence, freedom from the chances that they would take in the coming elections, freedom from those to whom they owe their position.

Mr. Mason argued that election by the people was the only security for their rights, and Mr. Rutledge could see no distinction between election by the people and election by the people's representatives. Mr. Wilson held that the General Government is not meant for the States, but for the individuals comprising the States, and that the individuals, therefore, not the States, ought to be represented in it.

#### WHY COMPLAINTS ARE MADE.

Mr. President, the complaints which are now heard on every side regarding the manner of election of United States Senators are due to the fact that the framers of our Constitution did not incorporate with every part of that instrument that idea of freedom for which they had heroically fought. There was that distrust of the people which is prevalent in England to-day and which is there the principal reason for the hesitation to reform the House of Lords. There was the same fear of popular corruption that has been expressed in this country by the defenders of the present method of electing Senators. Mr. Madison thought that if an election by the people promised as uncorrupted and impartial choice there could be no necessity for appointment by legislatures, nor was it apparent, he said, that a more useful check would be derived through legislatures than through the people. But has the history of the several States justified him in refusing to give the people the right of election? Have the scandals that have arisen shown that legislatures are above suspicion? The resolution introduced here during the present session and now under consideration is sufficient answer to that question.

Mr. Gerry thought it was necessary that the people should appoint one branch of the National Legislature in order to give them confidence. If the popular election of one branch would give confidence, would the popular choice of both branches give too much? The experience of the past twenty-five years has been that the

election by the people of only one branch has failed to give the confidence expected. Mr. Gerry also thought that the election of United States Senators by the people would give the landed interest too much power and render the commercial interest insecure. But one of the criticisms made by those who disapprove of election by legislatures is that the present method gives the commercial interests too much power and renders the landed interests insecure. There was also an idea that unless the State legislatures were given what was called representation there would be danger that they would be abolished. But has not experience demonstrated the fact that contests for the selection of Senators have been in many instances at the sacrifice of local legislation for the State?

#### THE PEOPLE'S GOVERNMENT.

It will be seen therefore, Mr. President, that those supporters of the present method of election should not place too much confidence in an argument based upon the prescience of the framers of our Constitution. To amend our Constitution is not to cast discredit upon those great and patriotic men. They were human and liable to error, and it is our duty to correct their mistakes. Were they alive to-day they would be among the strongest advocates of any amendment which would improve their work. Thomas Jefferson, in that document which every patriot venerates, gave utterance to the thought that governments derive their just powers from the consent of the governed, and that whenever any form of government becomes destructive of this and other principles affecting their life, liberty, and the pursuit of happiness it is the right of the people to alter or abolish it and to institute a new form of government that will most effectually secure those ends. The great Webster, too, in a speech delivered in the Senate sixty years ago, alluded to the Republic as "the people's Government, made for the people, made by the people, and answerable to the people."

This noted saying, in one form or another, has been used by various orators, and notably by the immortal Lincoln in that famous address delivered in the presence of the nation's dead at Gettysburg. That the framers of the Constitution had these thoughts in mind when they drafted that instrument is evident from the report of every day's proceedings of the Constitutional Convention. But they had embarked upon an unexplored sea of democracy, and they wanted to mark well the beacon lights of experience that faintly glimmered through the mist of doubt from the most liberally constituted monarchy of the world. No question caused more discussion than the plan of choosing the Senators in such a manner as would best cherish and foster the principles of State sovereignty and at the same time express the will and choice of the people.

#### AMENDMENTS ADOPTED.

But with all the wisdom displayed by the fathers of the Government, with all the care they took in drafting that which was to be the supreme law of the land, some of the members of the convention would not sign the Constitution and much dissatisfaction was expressed by the people; and during the very first session of Congress ten amendments were proposed, and the eleventh within a few years afterwards, and all were promptly ratified by the requisite number of State legislatures, in accordance with the provisions of the Constitution.

Even the manner of choosing the President of the United States was changed by an amendment afterwards adopted. Tinkering with the Constitution, I realize, is a serious thing. I also realize that many young legislators first making their advent into political life feel called upon to propose some amendment to the Constitution. I remember in the early days in California, when first sent to the legislature from one of our mining towns, I thought the first duty incumbent upon me was to offer an amendment to the constitution. Experience, however, has taught us a lesson and many of us have profited by that experience. I realize, as I said before, that tinkering with the Constitution is a serious undertaking and should not be encouraged unless actually needed; but who is there who does not think those amendments were needed? Who would advocate the repeal of any one of them? They are adopted in accordance with the principles enunciated by Jefferson as to the right of the people to alter or amend forms of government that become destructive of their rights.

We have presented to us many petitions asking for different amendments to the organic law of the land that are not necessary and are not demanded by the people. One petition that has been extensively circulated and presented to Congress calls for the words "Almighty God" to be placed in the Constitution. It seems to me a conclusive answer to this petition is in the fact that God has inspired every line of the Constitution that breathes religious and civil liberty and has for its object the betterment of humanity. If we put God into our daily lives, in our love to Him, in obeying His commandments and doing to others as we wish them to do to us, He will never forsake us as a nation, but will give our people wisdom and strength to right every wrong, and generations yet unborn will rise up to call blessed those who framed this Constitution, a gift from God to man, a sacred heritage that it is the duty of every son of this great Republic to jealously guard.

#### THE TENDENCY OF CHANGES.

The tendency in all changes of our organic law affecting elections has been to secure more certainly and more directly than ever the influence of the people themselves in governmental affairs. They may be trusted at all times. Lincoln, in one of those sayings for which he was noted, remarked that a part of the people may be deceived all the time, and all the people a part of the time, but all of the people could not be deceived all the time. The people choose the members of the legislatures, and often pledges are given in advance that candidates, if elected, will vote for this or that citizen for United States Senator. There have been instances where State conventions have nominated candidates for Senator and the legislatures afterwards chosen have ratified the nominations thus made. This is similar to the present method of choosing our President. A national convention nominates a candidate and the several electors nominated in the various States are selected upon the theory that they will vote for the candidate designated by the national convention. The electors chosen in a State on the Presidential ticket are bound only in honor to vote for the names of the candidates who head the tickets; but that is enough; and there is not a man in the land that would dare betray the trust.

Thus it has come to pass that the action of the members of the



electoral college is merely perfunctory or ministerial. Custom gives them no discretion; they merely meet to formally ratify the choice of their party as expressed in the national convention and the will of the people as expressed at the ballot box. But in the selection of United States Senators it has happened that a legislature fails to carry out the will of the State or district conventions in voting for a Senator. Each of us can recall instances of the kind where previous to the election but one candidate for the Senatorship was mentioned and the people were satisfied therewith, voting for members of the legislature firm in the belief that no other Senatorial candidate would be chosen should the legislature be dominated by men of his political faith, but after the election an entirely new man would come to the front and secure the patronage of the gentlemen whose votes were so essential to success.

The recognized campaign party candidate was supplanted by one who, much to the surprise of all, had been able to win to his side a majority of the party caucus and eventually the majority of the legislature. The result was that the public press teemed with charges of undue and improper influences and partisan slander, and rancor became unbridled, and it has been openly asserted that the choice of the people had been betrayed. I am, however, not prepared to admit that anyone ever improperly obtained his seat in this body; but all will agree that had there been a direct vote of the people in the election of Senators the partisan press would be disarmed from making the charge and the files unencumbered by the slanders.

#### IMPROPER INFLUENCE MORE DIFFICULT.

It may be said in reply to this argument that bribery and corruption are known in connection with State and Congressional elections, and, even if this amendment prevails, that in the years to come the charge will many times be made, possibly sometimes truthfully; but it is self-evident to every thinking person that it is much easier to manipulate by influence 100 members of a legislature than to improperly influence tens of thousands of voters of an entire State at the ballot box. Besides, it removes the unjust aspersion of the defeated candidate that is frequently used against the successful one, as well as that against the true and loyal friends that have stood by him.

It is urged that State conventions may make as bad selections as legislatures, but to this the reply may be made that the people, when the election comes off, will surely correct the mistake. The unfit candidate is always rejected when the people have a voice in the proceeding; but if the legislature choose an unfit man for Senator there is no redress; the people have no power to correct the mistake. It is useless for them to protest; they must abide the consequences.

Still another strong argument in favor of the proposed change is suggested by the liability under the present method that States may continue for a long time unrepresented. Technical questions seem to arise more easily over a legislative election than over one by the people. Witness the fact that during the Fifty-third Congress the States of Montana, Washington, and Wyoming were deprived of equal representation in this Chamber, the gentlemen sent here with certificates as Senators being regarded as lacking in title. In the present Congress the State of Delaware

has had but one representative on this floor through a difference of opinion as to the law by the members of this Senate. Another State has wasted the whole limit of time allowed by law for the session of that legislature in the futile attempt to elect a Senator, and if a special session of the legislature is not convened for the purpose, that great State will have but one Senator on this floor after the 4th day of March next. I need not recapitulate the facts in the cases I have referred to; they are too familiar to all.

PROTRACTED CONTESTS THAT NOW OCCUR.

Not only in the States named, but in many of the other States, it is a frequent occurrence for the legislature to have long and protracted struggles before the Senator is finally selected. This is too often to the exclusion of other business and to the neglect of important local interests. Thus the burdens of the taxpayers are increased without corresponding benefits to them. The unseemly contests which sometimes begin many days before the meeting of the legislature are followed by schemes to insure control of the organization or to favor one section of a State to the exclusion of another. All this is unseemly and unworthy the dignity of the Republic.

It will probably be urged that technicalities may arise in elections by the people whereby vacancies might be created in the Senate. But while questions have arisen and will continue to arise concerning elections by the people, they do not approach in complexity the vexatious character of those which arise touching legislative contests.

It is the boast of writers who support constitutional monarchies that in some instances they are more responsive to the will of the people than is this Government of ours; that the will of the people in other lands is more quickly manifested in the administration of affairs than in our own country.

Public opinion is the safety valve of this great republican Government. It is public opinion that makes men do their duty, and God forbid the time should ever come when public opinion does not rule those whom the people send here to legislate and to make their laws. They are the source of all power in this form of government, and that man is not true to himself, not true to the people, who is so callous that he is not sensitive to the opinion of the people. We all desire the good opinion of our associates. We all desire the commendation and good will of those whom we respect. First of all, we desire to have, and we have if we do our duty, our own self-respect, and next to that we covet the good opinion of the people. So, after all, public opinion is the equalizer, the regulator, that will not permit this Government to go very far wrong.

It is explained that our President is elected for four years and he may hold office for that term without regard to public opinion as to his policy or official acts. Representatives are chosen for two years and Senators for six years, but the latter are not elected by the direct vote of the people. The Representatives do not meet until more than a year elapses after their election, and it is possible that in that period the will of the people may have changed; but, granting that they enact legislation in entire accord with prevailing sentiment among the people, their action may be annulled by the Senate, the members of which were elected by assemblymen whose official terms have come to an end and who can not



longer exert any influence, if they would, to coerce the Senate in response to the popular will.

I do not presume to assail the conservatism which a longer term of office tends to impart to the membership of this body, for that conservatism I regard as the greatest safeguard against excesses in legislation and a wise provision for the preservation of the institutions of the Republic; but there is lacking that relationship which exists between the Representatives and the people and even between the President and the people, for the President is chosen more in response to public sentiment than are the Senators, since his nomination is first made by representatives of the people in party national convention assembled and afterwards ratified by the people, by their direct vote for representative electors at the ballot box in the respective States of the Union.

THE ONE GREAT TRUTH.

It is impossible to escape from the great truth that the strength of our Union of States lies in direct representation by men who are elected by the votes of those entitled to cast ballots. In discussing this question efforts are made to withdraw this fundamental principle from consideration and to satisfy the people with a shadow. But even the most learned and able of the defenders of the present system are at last compelled to turn to the people as the source of national strength and as the only foundation upon which can be built a nation. Even so strong a supporter of election by legislatures as a former and very distinguished member of this body seemingly unintentionally reveals the bearing of this truth on this very question now under debate. He has made a very subtle distinction between the people and the State as one justification for the election of Senators by legislatures, but in speaking of this choice he says that each member of the legislature—

Must vote openly, so that their constituents may know whether or not their representatives have followed the general judgment of the particular communities they represent, a matter of vital importance in all representative government.

It seems to me that in this sentence the whole case of the defenders of election by legislatures is given away.

The eminent jurist dwells at length upon the theory that the Senate as such upholds the doctrine of State sovereignty by reason of the fact that in its membership all States, regardless of population, area, or wealth, are equally represented. The proposed change in no way affects the equality of representation which the States now possess, nor does it in any way change that representation; it only provides a different and more direct mode of ascertaining the choice of the people for their representatives on the floor of this Senate.

It is one of the most frequent, and is regarded as one of the strongest, arguments in favor of the present system that the House of Representatives and the Senate must have different constituencies; that one must be elected by the people and the other by the State. Yet in the quotation that I have just given it is tacitly acknowledged that there is not such a thing as a State in the sense that it can be represented without reference to the people; and even more, that if such representation were possible it would be destructive of all representative government. It shows how impossible it is to escape reliance upon the will of the people; that

even legislatures which, in theory, are the depositories of the power of that mysterious thing, the State, are actually compelled to show by open ballots whether or not they have paid regard to the wishes of the people in respect to votes for Senatorial candidates.

#### THE PEOPLE THE ULTIMATE FACTOR.

In fact, Mr. President, in whatever way we look at this question the people—the people with votes in their hands—are found to be the ultimate factor in the problem. It is their will which it is the object of our institutions to make effective, and wherever there is an obstacle put in the way of its free exercise there will be found unrest. Is it possible to conceive of scandals in cases where legislatures elect as United States Senators those who are the choice of the majority of the people who vote? Would this same people complain if their choice were made the choice of their representatives? It is the constant effort of the people that they so constitute their State legislatures that they may be sure a Senator may be elected who will represent them and not some other constituency. It is true that they are often disappointed in the selection made; that those whom they would have rejected are chosen. And this happens most frequently because of the very method of Senatorial election, and not because corrupt means are used to defeat the popular will. In too many cases the method alone is at fault, and the people who demand and will have representation insist that it shall be changed.

Every person—

Says George William Curtis—

is born with an equal claim to every kind of protection of his natural rights which any other person enjoys. The practical question, therefore, is, How shall this protection be best attained? And this is the question of government which, according to the Declaration, is established for the security of these rights. The British theory was that they could better be secured by an intelligent few than by the ignorant and passionate multitude. \* \* \* Nobody denies that the government of the best is the best government; the practical question is how to find the best. \* \* \* And our fathers answered the question of the best and surest protection of national right by their famous phrase, "the consent of the governed."

But although the fiction of the State was brought forward as a justification for election by legislatures, it has been more and more ignored as political education has progressed and popular rights have become better understood. The resistless movement of the century toward the goal of direct and unfettered political action is manifested here and in this matter as in similar questions abroad.

#### THE PEOPLE ARE THE STATE.

Every change in European institutions has brought the people nearer to the seat of power. Reform in England has been in the direction of a full and direct representation of the people. One by one the fetters which bound them have been stricken off. One by one classes have gained a right to a voice in the conduct of public affairs. More and more influence have the people secured in public affairs; more and more intolerant have they become of that which stands between them and their will. One by one the fictions of government have been exposed, and step by step they have pressed forward toward a government for the people by the people. The body which has different interests from theirs, whose point of view is widely removed from their own, they now wish to cast aside as one of the relics of a time in which freedom was

denied them. They distrust as makers of laws those who do not represent them. They are beginning to fully realize that they are the State; that government is for them and should be by them; and that this can be attained only by direct representation. They will be content only when every man shall know that his vote will count in the election of those who make the laws. They demand and will secure the same measure of liberty which the people of the English colonies in America demanded for themselves, and which has been so fully secured to them by our Constitution. "Plymouth Rock," said George William Curtis, "was but a stepping stone from one continent to another in the great march of the same historical development."

It was a denial of representation which caused our ancestors to take up arms. It is representation which now enables them to bear with equanimity the burdens and annoyances which mistaken legislation imposes upon them. They recognize the errors of those who were elected by their votes as their own errors, which they have it in their power to avoid in future. What we do here concerns not ourselves alone individually. If it did, the evil would not be so far-reaching; but the errors we commit here must be charged up as errors of the people who send us here to represent them. If we misrepresent those people it is almost an unpardonable sin in a republican form of government. But this attitude of mind has been made possible only by the belief that by their own acts have the governing bodies been constituted. Raise but a suspicion that they have been denied their right to influence the course of government, and their temper is changed and everything which stands between them and their representatives is looked at with suspicion. Nothing will remove their distrust but a right to cast their ballots and have them honestly counted for him whom they believe will best represent them.

#### RELATION OF SENATORS AND LEGISLATORS.

This constant, ever-active desire of man to exercise his right of suffrage has gradually wrought a change in the position which the United States Senator bears to the legislature which nominally elects him. As the people have become more conversant with public affairs, as they have become better educated through the public press and the schools which have been established on every side, they have understood more clearly their rights, and have sought to make the choice of United States Senators their own. Their efforts have not yet been wholly successful, but they have changed radically the character of elections by State legislatures. The latter are not the free, untrammelled agents that the Constitution designed them to be. Senatorial elections are not wholly uninfluenced by agencies outside the Senate Chamber. "Indeed," says Mr. Bryce, "it is worth observing that the election of Senators has in substance almost ceased to be indirect."

If we have lost the substance, why should we retain the shadow? It seems to me that it is as idle to assume that the entire people of a State would be more exposed to fraud and corruption in the case of the popular election of United States Senators than they are now in the election of Presidents. It seems to me that the argument based on the fear that there would be created temptations giving rise to corruption applies with equal force to the election of President. The latter, as I have before stated, is prac-



tically elected by popular vote, the whole people of each State casting ballots for certain members of the electoral college. The electoral candidates on each party ticket, however, are virtually one man, and that man a Presidential candidate. The case, therefore, is parallel with that of the election of a United States Senator by the people, and there can be no reason for believing that there would be more fraud, bribery, corruption, or illegal practices under the latter than under the former. The cases stand on one and the same footing, and an argument in favor of one is also in favor of the other; an argument against one is also against the other.

#### ELECTION OF SENATORS AND THAT OF PRESIDENT.

It seems to me, too, Mr. President, that other objections to the proposed change in the Constitution apply with equal force to the present mode of electing our Presidents. It is objected that if Senators are elected by popular vote they will be selected by men who are not chosen in pursuance of law, upon whom no oath is imposed, who have no other responsibility than to make that selection, of whose action there is no record, who act by proxy, and who compose a body which lasts but a day. I do not see on what ground it can be maintained that greater evils would flow from the nomination of a Senator by a State convention than from the nomination of a President by a national convention. I do not see in what particulars the latter convention is more permanent, more subject to law, more responsible, or that it has any record of its action which a State convention has not. I do not see in what respect a national convention can be more in accord with the Constitution than a State convention, or how our scheme of government can be endangered by the action of the latter. The equality of the States would still be maintained, for that is assured by the constitutional provision establishing equality of representation, with which methods of election have nothing whatever to do. The independence of the Senate would not be lessened, for that, too, has been insured by fixing the tenure of office. These are the two essential facts in the constitution of this body, and neither is in any way dependent upon a given method of election.

Mr. President, the scandals which have accompanied many Senatorial elections are without doubt baseless. I can not believe that such bodies of men as compose our legislatures are fairly open to so many or to such charges as have been brought against them. But the fact that such charges have been made has to a great extent impaired the confidence of the people in the present mode of election, and has led them to demand that the election of their Senators be placed in their hands. They believe the assumption that the State can exist apart from themselves should now be set aside forever. The physical conditions existing within the boundaries of the several States determine the industries by which the people shall live, and as these differ so do the interests of the people of the States differ. Within the borders of each State there is a community whose needs are not precisely those of its neighbor.

#### THE RIGHT OF THE PEOPLE.

In the large affairs of the nation this community should have power to at least protest against action that would injure it and to strive for that which would benefit, as well as to have a voice in the determination of measures for the common good of all.

This community is the State. There can be nothing apart from it which can be represented by the election of representatives. There can be no other interests to represent than those of the entire community if liberty is to be maintained. There can, therefore, be no point of view of public affairs different from that of the community, and its representatives can not, by the mere manner of their election, be made to look with other eyes. In the bitterest moment of his life, when the legislature of his State passed the resolution censuring him for his action in this Chamber, Charles Sumner said: "I seem to lean on the great heart of Massachusetts." In that hour of his grief and despondency he found consolation in the thought that he could lean upon the people whom he represented. So does every Senator who here does his work according to his conscience rely upon the great and generous hearts of the people whom he represents, and whose wishes they expect him to regard.

The movement in favor of Senatorial elections by the people is growing stronger every year. Already at the ballot box or through their legislatures the voters of nine States have declared in favor of the change, and it is bound ultimately to be made. Its establishment by an amendment to the Constitution would tend to restore confidence between the people and those chosen by them to make the laws of the country, without which confidence in free government can not long endure. What the people now demand is that which our forefathers contended for when they supported by force of arms the Declaration of Independence; that for which the framers of the Constitution hoped and prayed; that for which the world has given its grandest examples of heroism—a government by the people, of the people, and for the people.







RECIPROCITY WITH CUBA.

---

S P E E C H

OF

HON. GEO. C. PERKINS,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

December 13, 1903,

ON THE INABILITY OF THE PROPOSED TREATY TO  
INJURE AMERICAN INTERESTS, WHILE IT  
WOULD PREVENT FOREIGN PRODUCERS  
FROM DRIVING US FROM THE  
CUBAN MARKETS.



WASHINGTON.

1903.



## Reciprocity with Cuba.

---

### REMARKS OF HON. GEO. C. PERKINS, OF CALIFORNIA, IN THE SENATE OF THE UNITED STATES,

*Tuesday, December 15, 1903.*

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 1921) to carry into effect a convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902—

Mr. PERKINS said:

MR. PRESIDENT: The opponents of the Cuban reciprocity treaty seem to me to be on the wrong tack. They are like the captain who shapes the course of his vessel by dead reckoning north-northeast to reach a certain port, when the true course, which he might have ascertained had he taken the trouble, is north-east. He therefore must not be surprised if he brings up on the rocks.

It is asserted by those who oppose this treaty that it will injure certain great interests of the United States—sugar, citrus fruits, and tobacco. But I think that if they had taken “an observation,” as the captain referred to should have done—in reality, have ascertained the facts—their argument would not have been in danger of shipwreck. It is true that Cuba competes with American sugar producers, beet and cane, but our sugar growers are protected against her by, I think, the highest tariff which we enforce, which amounts to 102 per cent ad valorem at the present prices for the same grade as beet sugar.

The Cuban treaty does not by any means put our producers at the mercy of Cuban planters, for the proposed reduction will leave a protection of 78 per cent on raw sugar and 82 per cent on refined, which should be quite sufficient for the encouragement of any enterprise. Our Secretary of Agriculture, in his latest annual report, states that the beet-sugar industry is well established and that its future depends on the adoption of economic methods in field and factory. If our farmers and beet-sugar manufacturers are not enterprising enough to adopt such methods and prosper under a protective duty of 82 per cent, it must be that they, too, have gone off on a north-northeast course, which, as in the case of the captain, would be their own fault.

#### NO REDUCTION IN PRICE OF SUGAR.

The fears expressed as to the dolorous fate of our domestic cane and beet sugar growers arises from the fact that it is feared that the market price of sugar may be reduced. If it is not reduced, domestic sugar will not, of course, feel any effect from the reduction in the duty.



If the opponents of this treaty think that sugar prices are about to fall, they have got still farther away from their true course. If they will read the accounts which come from our consuls in Europe, they will find that the results of the Brussels sugar conference mean shipwreck of their arguments.

These results are already appearing. The abolition of the export bounty has caused 42,620 acres to be withdrawn from sugar-beet culture in Germany, 44,347 acres in France, and 80,296 acres in Russia, and this in the present year, although the convention did not go into effect until September. And already the effect is becoming observable in exports from Germany, for it is pointed out by our consul in Leipzig that there was, for the first quarter of 1903, a decrease of exports of beet sugar to England amounting to 63,000 long tons.

In addition to the discouragement of export there is a governmental encouragement of domestic consumption of sugar in the sugar-producing countries of Europe, beginning with an increase in the allowance to the army and followed by the reduction of internal taxes, resulting in the lessening of price to domestic consumers. Under this policy it is estimated by eminent French authorities that the increase of the consumption of sugar in France will reach 600,000 tons per annum, and Germany hopes to increase her consumption 1,000,000 tons. This ought to greatly relieve the pressure of overproduction on the world's sugar market that has been depressing prices since the inauguration of the "cartel" in 1900, which the Brussels sugar convention abolished. Thus the tendency to export is weakened in two ways, and, according to a high Austrian authority, when Germany's consumption of sugar, which is now only 30 pounds per capita per year, equals that of England, which is 98 pounds, as says a German author, Max Shippel, in his book on sugar production, Germany will have no sugar whatever for export.

Another important fact is that nonsugar-producing countries which have been supplied by Germany, France, and Russia are now, because of the diminution in their beet-sugar supplies, increasing their purchases of cane sugar. It is noted that for the first time in twenty-five years England has bought sugar from Cuba.

#### PRICES IN THE WORLD MARKET WILL BE RAISED.

These facts mean this: That less beet sugar will be imported into the United States; that more of the cane sugar of the world will be consumed by foreign nations; that a larger and larger proportion of Cuban sugar will go to other markets than our own. The falling off in exports from beet-sugar countries will relieve the pressure upon the sugar market of the world, which will not only prevent a fall, but will probably increase domestic prices, which increase will surely come if our own consumption increases at its past ratio. Our own consumption per capita has increased pretty rapidly, from 54 pounds in 1884 to 66 $\frac{7}{10}$  pounds in 1894, and 72 $\frac{8}{10}$  pounds in 1902. That signifies an increase of 553,400 tons in eight years—over 6 pounds per capita.

We are the greatest sugar-consuming nation on earth except Great Britain, and if we were to deduct from her consumption the amount that goes into her jam and jelly industry, largely for export, it would probably show that our per capita consumption nearly equaled hers.

And it must be remembered that the reduction of 20 per cent is on Cuban sugar only, which forms but one-third part of our sugar imports. As against the other foreign sugars, American refined sugar will still have a protection of 102 per cent ad valorem at the present price of sugar in the American market.

Mr. CULLOM. May I ask the Senator a question?

Mr. PERKINS. Certainly.

Mr. CULLOM. I inquire of the Senator if he is sure he is correct in his statement as to the percentages? I have had some investigation made of the matter, and I thought the percentage was less than the Senator has stated.

AD VALOREM PROTECTION ON SUGAR.

Mr. PERKINS. I will state to the Senator from Illinois that I have examined into the matter, and that the figures I am giving have been obtained from the Treasury Department. They are as follows:

*Average ad valorem duty on sugar.*

	1901.	1902.	1903.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Raw sugar .....	70.43	85.96	97
Refined sugar .....	70.83	82.23	101.06

This refined sugar is the same grade of sugar as the beet sugar which is granulated when it comes from the beet-sugar factory.

I think there is no question, Mr. President, but that these figures are correct, as they were given to me, as I have already stated, by the Treasury Department.

Mr. CULLOM. I only desired, if the Senator would allow me, to interrupt him sufficiently long to get the exact statement as the Treasury Department gives it, so that we may rely upon its being accurate.

WHY CUBAN SUGAR WILL NOT AFFECT PRICES.

Mr. PERKINS. The other foreign sugars are those which fix the price at which Cuban sugar will be sold here, for the cost to us has always depended on the cost of sugar at Hamburg, and will so depend whether Cuba sells us 1,000,000 or 2,000,000 tons or more a year.

Cuba can get in our market only what we are obliged to pay in the world market. No matter how much she may pour into the American market, Cuba can not change the price a shade. If she can produce cheaper than any other country on the globe, all her yearly product would not affect the American market, for we are compelled to buy two-thirds of our sugar from other foreign sources, and the price of Cuban sugar would conform to the price we paid her rivals. If she were able to supply our entire consumption, the price of Cuban sugar would still be governed by the world price. She could not go above it and would not go below it. And this world price, plus freight and a duty of 102 per cent ad valorem, is the price with which our domestic producers have to compete. Cuban sugar does not enter into the price problem at all.

WHAT THE REPUBLICAN PARTY HAS DONE.

What the Republican party has done for the domestic sugar-producing interests can be told briefly. In 1890 sugar was on the free list, and a bounty of 2 cents per pound was paid on beet and

cane sugar produced in the United States. The Wilson-Gorman bill abolished the bounty and placed a duty of 40 per cent ad valorem on imported sugar. By the Dingley bill this duty was increased so that now it equals 98 per cent ad valorem on the price of raw sugar in the New York market. Then there is this consideration: Whenever there is any great strain or pressure at a given point, something is liable to give way. That there has been severe pressure, for a great many reasons, to grant some reductions of duty to Cuba we all know, and we probably avoid what might have happened—even greater reductions or possibly no duty—by granting 20 per cent; and besides this, the question of tariff is settled for five years.

#### THE CITRUS-FRUIT INDUSTRY.

There is another point where the opponents of the treaty think that we may be injured by Cuban competition if our tariff is reduced. This point is the citrus-fruit industry. The objections to the treaty on this score might be met with a chapter like the famous one dealing with snakes in Ireland. At least, if there are oranges and lemons in Cuba, there are so few as to cut no figure whatever in a question of competition with California and Florida citrus fruits. Cuba never has raised enough oranges and lemons to develop an export trade, in spite of all the advantages of proximity to a vast market, a favorable climate, cheap land, and low freights.

Less than three-tenths of 1 per cent of the soil under cultivation is devoted to citrus culture, and it is unlikely that under the most favorable conditions there would be an increase in production that would enable Cuba to become a rival of American growers. Citrus-fruit growing is what may be called a scientific occupation, requiring for good results great intelligence, great care, great botanical knowledge as far as relates to trees of this character, and great patience and industry. The ordinary native planters of Cuba possess none of these qualities, and in consequence turn to horticultural pursuits, in which nature does all the work required except that of the crudest kind, which is within the scope of native ability.

In consequence, although there is a vast market for citrus fruits in the United States, "the cultivation of oranges," as the Cuban census states, "has been generally abandoned since the development of oranges cultivated in Florida and California."

#### REDUCTION IN IMPORTS OF CITRUS FRUITS.

The value of the imports of Cuban oranges from 1898 to 1902, inclusive, were, by years, as follows: \$1,991, \$622, \$474, \$2,187, \$560. The value of lemons ranged from \$4 to \$545 per year. The duty on oranges is now 71 per cent ad valorem, and a reduction of 20 per cent would still leave a protection of 57 per cent ad valorem for the American grower, and it is hard to see how this slight reduction, leaving as it does the Cuban grower at a great disadvantage, can stimulate his intellectual faculties and imbue him with the energy that will be necessary if he is to raise citrus fruits for the American markets. It is impossible for him to compete with the American grower now, for he has no oranges to sell, and it would be five or six years before groves planted this year could be brought into bearing, and this fact, if there were nothing else, would act as a deterrent to planting citrus-fruit trees.

Quick returns are what the Cuban desires. He is constitutionally averse to waiting a year or two for things to grow. In con-

sequence sugar and tobacco will receive his attention in the future as in the past, and the Florida and California growers will be left in possession of our citrus-fruit market. The United States consul-general at Habana thinks that steps should be taken to ascertain the cause of the insignificance of the exports of fruit from Cuba. The cause is the less skill required in the cultivation of sugar and tobacco and the greater and more immediate the returns therefrom.

#### HIGH AD VALOREM DUTY ON CITRUS FRUITS.

It will be remembered that when the Dingley bill was under consideration the California delegation secured a material increase in the duty on citrus fruits, from 12 per cent under the Wilson-Gorman bill to 71 per cent ad valorem, the present rate of duty. This increase was urged not on account of danger from Cuban competition, but because of that of Jamaica, which has large and long-established orange orchards, on which greater and greater reliance would be placed as sugar growing diminishes, as has been the case for years, and as it will continue in the future. This bar against Jamaica oranges was effectual, and still remains at the very high notch at which we placed it.

While I know it is not fashionable to indulge in prophecy, yet I believe, Mr. President, so long as the Republican party has control of the administration of governmental affairs in this country that duty will not be reduced from its present rate either upon citrus fruit, sugar, or any great industry from which California has given such splendid results to the country.

There can be no question as to the adequacy of the protection of California citrus fruits against competition from an island that does not grow enough to export, and which will not increase its output to any appreciable extent until its hundreds of thousands of acres of sugar and tobacco land are brought under cultivation.

What protection has accomplished for the citrus-fruit interests of Florida and California is fully illustrated in the fact that in 1882 we imported \$5,500,000 worth of oranges, and in 1902 only \$784,000, worth, of which \$720,000 came from Italy, the British West Indies, and Mexico, against which the high tariff of 71 per cent ad valorem will still operate if the proposed reduction is made.

#### IN CASE CUBA IS ABLE TO INVADE OUR MARKETS.

The Senate's attention has been called to certain newspaper articles and private letters which state that a great number of orange trees have been or are about to be planted in Cuba, and that planting of such trees is going on all over the island. Assuming that this is true, I submit that the rejection of this treaty would neither prevent the planting of the new groves contemplated nor kill the trees already planted. If it be true that capital is being invested in citrus fruits in Cuba, we have no means of preventing it, and if Cuban oranges should by chance be able to drive California fruits from eastern markets in spite of a protective duty of 57 per cent ad valorem, after deducting the 20 per cent, I am very sure that whatever reduction in the cost of placing California fruits on the eastern market which would be necessary to hold that market would be made by the railroad companies, which otherwise would lose a very considerable part of their revenue.

The policy of railroads, like all other transportation companies



that have a single right of way, is to charge all the traffic will bear, and that has kept the rates from California at a high figure—higher, in my opinion, than they should have been; but it would necessarily cause a reduction of rates on the part of the railroad companies, or they would lose the transportation of the products of these great industries from the Pacific to the Atlantic shore. The railroad companies, like others, are always alive and keen in protecting their own interests, and surely this small reduction of 20 per cent, if it be necessary, would not only be made up by the railroad companies, but even a greater reduction, in order that they may retain the business.

#### THE ENORMOUS DUTY ON TOBACCO.

In tobacco Cuba is a competitor of the United States, but our own producers are protected against this competition by a tariff which, reduced by 20 per cent, is still enormous. The average value of our tobacco crop of 1902 was 10 cents per pound, yet it is protected by a tariff of from \$1.85 to \$2.50 per pound on tobacco for wrappers, and from 35 to 50 cents per pound on tobacco for fillers. Our own production is principally tobacco of a quality suitable for fillers, yet it is protected by a tariff from three and a half to five times its average market value. If a reduction in protection to 28 and 40 cents a pound on tobacco whose invoice value averages 45 cents is not sufficient to protect our own growers, I am unable to see how we can help them unless we give them, in addition to a protective tariff, a good big bounty. That the tobacco interests will not be injured by the proposed reduction is made clearly evident by the lack of protests against it from tobacco growers and manufacturers. I have received only two, I think, since the Senate voted on the treaty last March.

#### CALIFORNIA PRODUCTS WELL PROTECTED.

So far as my own State of California is concerned I think the measure of protection afforded to it by the Republican tariff is satisfactory. I have already shown that the importation of oranges has fallen from \$5,500,000 to \$784,000 per annum in twenty years, though California has not received the entire gain, Florida being also a producer. But in raisins, prunes, and currants she is the only producer, and in these staples the result is even more marked than in the case of citrus fruits. In 1892 we imported over 10,000,000 pounds of prunes; in 1902, only 500,000 pounds. In 1892 we imported nearly 21,000,000 pounds of raisins; in 1902 a little over 6,000,000 pounds. She has driven the foreign Zante currant from the market, and the French and German prune can now be found only in very isolated cases. And in spite of our growth in population and the increased consumption attending the extraordinary increase in wealth in the past ten years, our imports of still wines, which California makes, has remained absolutely stationary since 1892.

#### WHY THERE SHOULD BE RECIPROCITY.

I think it may be accepted as proven beyond a reasonable doubt that the proposed reduction in the Cuban tariff will injure no American industry. If it will not, and the reciprocal reduction of the Cuban tariff on American goods will benefit us, there can be no valid reason why the treaty shall not be made effective. In 1899 we sold Cuba products worth \$29,000,000 and bought from her \$37,000,000 worth. In 1901 we sold to her \$25,000,000 worth and bought \$49,000,000 worth. Thus, while we bought more from her,



we sold less, which is not a satisfactory condition of affairs. Our percentage of sales to Cuba has fallen from 43 per cent to 41 per cent, while Germany has in the same period doubled her percentage of sales to Cuba, and England, France, and other European countries have materially increased their own. These facts show that we are being beaten by Germany, France, and England in the market which is at our very doors—in fact, are being crowded out of it.

Unless the tide can be stemmed we shall find our enemies, in an industrial sense, in possession of a market which should be virtually ours exclusively, and while we buy all, or nearly all, of Cuba's products, we shall sell them next to nothing. It seems to me that this is a state of affairs that should appeal to every business man, and should enlist him on the side of a treaty which will give us an advantage of from 20 to 40 per cent over our competitors, and will enable us to maintain and strengthen our commercial foothold in Cuba. It is unnecessary to call to mind the many staple products of our fields and factories that meet with sharp competition in the Cuban market. They will occur to everyone. But I will refer to the case of my own State, California, for an illustration.

#### WHERE CALIFORNIA WOULD BE BENEFITED.

Our olive oil, raisins, canned and preserved fruits, onions, beans and peas, canned salmon, preserved, canned, pickled, and salted vegetables, wines, and salt come into direct competition with the same class of goods imported into Cuba from France, Germany, Spain, and other countries. Our sales of these goods to Cuba amounted in 1902 to \$485,156, while the value of the imports from the other countries named amounted to over \$4,000,000. What share of the \$485,000 went to California I do not know, but I do know that with suitable encouragement by a reduction in the Cuban tariff my State will, if it makes the effort, receive much of that \$4,000,000 which now goes to Spain, Germany, and France.

California makes the best olive oil in the world, yet Cuba bought in our markets in 1902 only \$2,414 worth, while she bought from Spain \$887,125 worth and from France \$13,276 worth. She bought of us only \$1,026 worth of raisins, while Spain sold her \$39,563 worth. She bought from us \$77,000 worth of canned and preserved fruits, and from Spain and France \$170,000 worth. We sold her \$400,000 worth of onions, peas and beans, and other vegetables, excluding potatoes, while she bought of Spain, France, Germany, Mexico, and American countries other than the United States over \$1,000,000 worth. Of potatoes we sold her \$390,000 worth, while other countries sold her nearly as much. She bought of us wines worth \$3,529, and from Spain alone \$1,550,000 worth. Salt from the United States cost her \$575, while she paid \$70,000 to Spain and Germany alone.

#### CAN WE NOT CAPTURE THE CUBAN MARKET?

Here are a number of products which California prides itself it can supply in at least as good quality as can be found elsewhere in the world. Yet the people of Cuba buy ten times as much of them from other countries as from the United States. Can it be possible that a measure which will give us an advantage, on the average, of 30 per cent in Cuban markets over our competitors will not enable us to secure for ourselves a very large proportion

of that trade which now goes to France, Spain, and Germany? It seems to me we should be put to the proof of our incapacity if we are in truth unable to take advantage of such an opportunity.

But observers abroad believe that the chances are in our favor. In the matter of wine, our consul at Lyons, France, after a careful study of the conditions of the French, Spanish, and American wine trades, writes to the State Department that he "can see no reason why the wine growers of New York, Ohio, and especially California, should not capture the Cuban market," and this without the proposed reduction of 20 and 30 per cent in the Cuban tariff.

#### THE DELEGATION'S LOYALTY TO CALIFORNIA'S INTERESTS.

I think the facts I have given relating to citrus fruits, sugar, wines, prunes, raisins, and other products of California demonstrate conclusively my loyalty to the State which has honored me by electing me again and again one of her representatives in this body.

In the framing of the Dingley bill the California delegation, as all know, struggled for protection for the industries of our State. The results of those struggles are seen in our immense orange groves, our vast vineyards, our forests of prune trees, our immense borax and quicksilver mines, and our hundreds of square miles of sugar-beet fields. Not one of that delegation would advise a step which would tend in the least to retard the growth of those great industries.

When it was proposed two years ago to authorize the negotiation of a treaty with Cuba, in terms which gave such latitude that there was a chance that the tariff bars might be let down too low for the safety of California producers, it is well known that I was one of that body of recalcitrants who successfully and, I think, wisely combated the measure. And in this opposition the delegation was backed by the California Republican State convention, which declared against that measure. When the treaty that we now propose to make effective was placed before us last winter, it was seen that no interest of California was endangered. Yet desiring to secure the views of my constituents, to whose kindness and consideration I feel that I owe all I am and all I ever hope to be, I sent copies of the treaty to the legislature, which was then in session, and which had just again re-elected me for the third time to the seat I now have the honor of occupying.

#### THE TREATY PLACED BEFORE THE LEGISLATURE.

The legislature had been elected a few months before, and was therefore fresh from the people. I sent the copies with an expression of my views as to the bearing of the treaty on our industries, but with the declaration that, should the legislature take an opposite view and instruct me to oppose a measure that I believed to be advantageous to the entire country and to contain no element of danger to any California interest, I would vote against it or resign my seat. No action was taken by the legislature, and in March I acted on my best judgment and voted to ratify the treaty. I believed then, as I believe now, that it is destined to expand the market for American products, which has been gradually closing against us through foreign competition, and that in this expansion California has a chance to profit, while there is no chance that she can be injured.

## AN INCONSISTENCY.

In passing I desire to call attention to a glaring inconsistency which is apparent here and there on the other side, but which has evidently escaped the notice of those who are afflicted with it. It is this: Some of my friends, like the Senator from Nevada, oppose this treaty, presumedly, on the ground that it will expose certain productive industries of the United States to serious competition and hence to injury.

Yet, on the other hand, they believe that Cuba should be a part of the United States, and would support a movement to bring her under the American flag. Were this done, what would become of the protection to the great American industries they are now so anxious about—sugar, tobacco, and citrus fruits? Would not free sugar, free tobacco, and free oranges be far more disastrous than the slight reduction of tariff on those products as provided by the treaty we are considering? It seems to me that the advocates of annexation would be more consistent if they insisted that the proposed reductions were not sufficient to give that measure of prosperity to Cuba and ourselves which they must have in view when they favor the hoisting of the American flag over that island.

## BENEFICIAL RESULTS OF RECIPROCITY.

If there is any doubt as to the effect of reciprocal reductions in tariff on the exports of the United States to Cuba, one has only to turn back to the time of James G. Blaine, whose theories of reciprocity were adopted by the Republican party and by it developed in practice. Reciprocity with Cuba under the terms of the tariff act of 1891 went into effect in September of that year, and it will be interesting and instructive to see what was the effect upon our export trade with Cuba. These exports from 1888 to 1890 averaged about \$11,000,000 per year. In 1891, which had only four months of reciprocity, they increased to over \$12,000,000. The year 1892, however, when reciprocity was in full swing, showed exports amounting to \$17,953,570, and the next year, 1893, to \$24,157,698. Our exports to Cuba doubled in two years.

In view of these figures and those of succeeding years which told another story, there is no wonder that the Republican national convention of 1896 condemned the repeal of the reciprocity measures by the Democratic party as a "national calamity." And in the platform which was then framed it demanded the renewal and extension of the reciprocity provisions of the tariff act which embodied Mr. Blaine's ideas on that subject. "Protection and reciprocity," said the platform, "are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both and both must be reestablished."

It seems to me if that was good Republican doctrine in 1896 it is good doctrine now, because the tree is known by the fruit it bears, and the best results have accrued from it. A course taken in opposition to it will place us in the position of the Democratic party, whose course we have so vigorously condemned. It seems to me we are but carrying out Republican ideas in the treaty with Cuba, and that to refuse our sanction to it is to announce greater fealty to Democratic doctrines than to those of our own party.

In no respect is this proposed legislation in conflict with the Dingley tariff law. The rates fixed in 1897 on sugar and other products were largely specific on all products, and the law pro-

vides for reciprocal agreements or treaties with foreign nations on the basis of a 20 per cent reduction, and therefore I am not able to discover what objection any friend of the McKinley protective policy or the Dingley law can have to this legislation. There is no infraction of that statute in this Cuban bill or treaty.

BUSINESS SENSE, NOT SENTIMENT, SHOULD GOVERN.

As to Cuba herself, I think she has done too well to warrant us in being guided wholly by sentiment in our dealings with her. Our arms liberated her, and with our assistance she was set upon her feet. We fed her starving, clothed her naked, restored her finances, and gave her a rich revenue; we cleaned her cities, abolished disease, built roads, repaired her public works, and set her in the way of helping herself. And that she has made good use of the aid we gave her is made evident in the growing prosperity of her people. Her trade is expanding, wealth is being accumulated, and she is well started on the road to happiness and riches.

We as Republicans rejoice in her prosperity. And now we think that we have a right to share in some of the prosperity that we have rendered possible, and we support this treaty that we may not see all the fruits of our labors go to our industrial rivals. To secure a fighting chance to save our trade by a reciprocal tariff reduction which still safeguards all of our own interests is, it seems to me, our duty.

5705

O











# THE NEW SAN FRANCISCO

---

AN ADDRESS BY JAMES D. PHELAN

AT THE OPENING OF THE

MECHANICS' INSTITUTE FAIR

COLUMBIA THEATRE

SEPT. 1, 1896





# THE NEW SAN FRANCISCO

---

AN ADDRESS BY JAMES D. PHELAN

AT THE OPENING OF THE

MECHANICS' INSTITUTE FAIR

COLUMBIA THEATRE

SEPT. 1, 1896



## THE NEW SAN FRANCISCO.

---

AN ADDRESS BY JAMES D. PHELAN, AT THE OPENING OF THE  
MECHANICS' INSTITUTE FAIR, SEPT. 1ST, 1896.

---

If, long years ago, a Spanish imperial commissioner were directed to visit Central and Northern California and lay the foundation for a great city, what site, judge you, would he have selected? In the light of the present there can be but one answer; but, surprising as it may appear, the eligibility of San Francisco was not only disputed under such circumstances, but condemned as a place even for human habitation.

Don Pedro de Alberni was, in July, 1796, ordered by the Viceroy of Spain to examine and report on the most suitable location for the Villa of Branciforte. He examined the country about Santa Cruz, Santa Clara, and San Francisco, and reported that in and about the Mission and Presidio of San Francisco there was no irrigable, pasture or grain lands, no water, no timber, "and therefore," he adds, "I am convinced that the worst place or situation in California is that of San Francisco." In spite of this evil report, however, we find the Mission of San Francisco Dolores, thirty years later, in 1825, possessed of over one hundred and fifty thousand head of horses, cattle, and sheep, besides thousands of bushels of wheat. But agricultural pre-eminence is not claimed for San Francisco, and hence we greet the views of Captain Benjamin Morrel, a more sensible and far-seeing person.

than the Senor Alberni, who visited the port in the same year, and who declared it to be the finest harbor in the world, and that the presence of enlightened men was only necessary to give the landscape "a soul and a divinity." Between that date and 1835 a new population, small in numbers, must have settled in the cove of Yerba Buena, now the city, for Richard H. Dana, in his "Two Years Before the Mast," modestly assumes the role of a prophet when he says he beheld at that time a town composed of Yankee-Californians called Yerba Buena, "which promises well."

After the discovery of gold, the pioneers found in the quiet little hamlet a hospitable welcome and temporarily made it their abode, but such of them who thought at all about the possibility of a large city growing on the Bay of San Francisco gave Yerba Buena little heed. They located cities further up the bay, near the mouth of the San Joaquin River, and General W. T. Sherman, who surveyed many such sites, and confidently took town lots in partial payment for his services, describes, in his Memoirs, the failure of these enterprises. One after another they dissolved, with the hopes of their founders.

### CITIES ARE A GROWTH.

Cities are a growth. They come by a commercial evolution. The development of San Francisco, located on a sterile peninsula, has always been regarded as a marvelous fact. Its discoverers and its founders did not behold with the eyes of commerce the superb gateway through which must pass the traffic of a thousand lands, nor could they foresee California's wealth of fruits, grains, ores, and manufactures, of which San Francisco is the natural emporium.

But on the map of the world the great bay and harbor, opening into 76,000,000 miles of ocean, was stamped by the hand of Fate and destined for empire, and passing generations, now floating on the tide of fortune, dimly conscious of the greatness of their metropolis, little appreciate the strength of their position and the value of their heritage. We are, perhaps, too

close to the object to take an extensive view. We have groveled too long in the slough of self-depreciation, and should arouse ourselves to the dignity of our citizenship, and more particularly to the duties of the hour.

### THE CITY AS SEEN BY OTHERS.

Let us for a moment take the impressions of others: James Antony Froude, the historian, says in his "Oceana," written in 1886, that he found himself landed in San Francisco with a sort of youthful excitement, for California, with its gold, and its cornfields, its conifers, and its grizzlies, its diggers, and its hidalgos, was to him a land of romance—the wonders of which passed belief. Nor was he disappointed, and in his critical comment says that San Francisco is now one of the most important cities in the world, destined to expand into dimensions of which the present size of it is nothing, for it is and must be the chief outlet into the Pacific of the trade of the American continent. And later, James Bryce, in his "American Commonwealth," digresses to exclaim: "Few cities in the world can vie with San Francisco either in the beauty or in the natural advantages of her situation; indeed, there are only two places in Europe—Constantinople and Gibraltar—that combine an equally perfect landscape with what may be called an equally imperial position. \* \* \* The air is keen, dry, and bright, like the air of Greece, and the waters not less blue."

### NATURE ON OUR SIDE.

So nature has dowered San Francisco. The accident of the gold discovery brought a superior population, yet with no set purpose of settlement, nor inspired by any civic pride in the founding of a commonwealth. There was no community of interests. Men were here for fortune, on whose wings they hoped to fly away when she smiled upon their suit.

But San Francisco went ahead, calm and irresistible, by the force of her position. Destroyed by fire, she rose in fairer form.



Pillaged by her custodians in the name of "law and order," despoiled of her lands by fraud or by conspiracy, as in the time of Peter Smith, or, as subsequently, by Supervisors and City Attorneys; compelled to suicidally surrender her water front to the State in order to avoid a threatened private monopoly; betrayed by her legislators in the granting of valuable franchises for long terms without reversions, safe-guards, nor consideration, she has been the outraged and neglected foundling of Fate, surviving simply because there is a necessity that she should live. She lives for a purpose. She lives to serve as the hand-maid of commerce between the western shores of the United States and the lands facing the great Pacific; she lives to preserve the ocean free for the carriage of California's wealth; she lives to be the capital of an empire, and to foster the arts of peace; to yield for her citizens the fruits of a civilization, ripper and better than those which gladdened the Athenian heart and fulfilled the Roman's boast—"to be a Roman was greater than to be a King."

Nature, I repeat, has endowed our city—it is for the people to administer the trust.

### THE PAST A BLACK PAGE.

The past has been a black page when we measure results by opportunities. Commerce has been crippled and diverted; the city has fallen prey to a transportation conspiracy; American goods have even been shipped to Europe and reshipped to San Francisco, in order to save the prohibitory rates imposed for direct shipment; harbor rates and pilot charges have despoiled the weary merchantman; an iron monopoly, short-sighted, perverse, and aggressive, has turned our back upon the serviceable sea, paid largesses to steamship companies to stifle ocean traffic, and has made New Orleans the real port of California. In fact, our peerless position as an entrepot has been turned against ourselves to satisfy private interests, and the people have not yet effectually established the self-evident principle that quasi-public corporations have their charter from the State to serve it, not

to oppress it; to develop its resources, not to crush them; to use its natural advantages, and not to lock them up.

Independent railways, however, from San Francisco into the interior will restore our cities as a port and give the country the advantages of the sea; the passing of the Central and Union Pacific system into the control of the government, or of rival corporations, and the construction of an isthmian canal will stimulate intercourse with distant points and insure competitive rates, and thus the future may, in some measure, atone for the sins and omissions of the past.

When we consider that the early settlers had only a temporary interest in the metropolis, perhaps it would be unreasonable to look for that stern and potential burgher spirit which animated the builders of medieval towns and established free cities, and guarded so zealously the rights of the community.

### THE BURGHER SPIRIT.

But who shall say that spirit is wanting in the people of San Francisco to-day? Has there not been a metamorphosis? Do not the Traffic Association, the North American Navigation Company, the Valley road, the Merchants' Shipping Association, the Mechanics' Institute, the Manufacturers' and Producers' Association, the Merchants' Association, and the improvement clubs speak for something? Have they not awakened the citizens to a realization of the fact that here are their firesides? Have they not, taking a broader view, convinced themselves that, provided man but supplements what nature has done, San Francisco may yet become the pride of the American continent—the ideal commonwealth, the hive of commerce, and haunt of pleasure, and the home of the arts?

But we live in our lifetime, and what is remote but lightly interests us, and hence the present generation should not fail to enjoy, in a part, at least, the certain future of their city.

Athens under Pericles, and Rome under Augustus, in the span of a few decades, rose in splendor and usefulness, and yet they are not in all respects models for the modern city to copy. Bet-

ter say that in the course of thirty years under Haussman and Alphand, directors of the public works, Paris rose to a position from which she teaches the world how to provide for the necessities, comfort, and artistic cravings of civilized people living within a city's walls, and developed the fine and useful arts and sciences to an unparalleled degree, combining work and play, profit and pleasure, in such a marvellous combination as to delight and stir the emulation of mankind.

### CITY GOVERNMENT.

City government presents entirely new problems since vast populations have come to be housed and cared for in prescribed limits. Manufactures, superseding agriculture, have within the last hundred years revolutionized populations; and whereas before it used to be three to one in favor of the country, now the cities have three citizens to the country's one. In these congested communities the bodily health of the race itself is determined by good or bad municipal arrangements. Infection and disease increase the death rate to alarming proportions where sanitation is not studied, and a city's prosperity reduces itself to a question of science—sanitary, engineering, educational, and governmental. Satisfactory results can not be obtained by accident, but only by knowledge and intelligence. It becomes a matter of paramount importance for not only the attractiveness of a great city, but for its very existence, that everything about it be clean and bright and healthful; that its children be properly instructed; that the convenience, culture, and happiness of its people be an object of solicitude, and that its burdens be equitably adjusted. How these things may be best accomplished has been solved in other cities, to which I can give but a passing and incomplete notice; but let us first enquire what effect these influences have on population and prosperity.

Paris, in 1852, when public works were begun systematically, had less than a million population, and ten years later, by reason of its magnificent internal improvements and wise and industrial policy, added seven hundred thousand people to its inhabitants,

and now boasts of upwards of a million more. So it would appear to be a city's lasting interest to, first, equip itself for the proper care of its people, in a broad and comprehensive sense, and then to make life worth living within its confines for all who choose to come; secondly, to provide remunerative employment for its citizens.

The trade of the French capital has grown, *pari passu*, with its municipal system, and this, as we will see, is due in a large measure, to the superior technical education of its craftsmen, and to the artistic environment of its people.

### HOW TO WIN A CITY'S TRADE:

Of course, before everything else, the chief element in a city's prosperity must be the profitable employment of its inhabitants, which means a market for their productions at home or abroad. So a municipality has more to do than to keep its house clean, healthy, and beautiful—it must keep its workshop busy. Trade and commerce consist in exchange. One must exchange what he makes or has for what he doesn't make but wants. Prices remaining the same, one naturally wants the best, the most durable, the most artistic, the most palatable, the most wholesome, as the case may be. The demand of the consumer is the standard of the workman. It is true of the past that not only the question of fashion, but the question of quality as well, determined the choice of goods, and gave the preference in too many cases to the foreign product. Now, why do goods "made in France," or "made in Germany," force their way into our reluctant market? That is a question for a well organized municipality to solve. The fault is largely with our education. At one time in Europe there were craft-guilds organized to maintain the several crafts, to regulate them, to prevent fraudulent workmanship, and to transmit knowledge and skill. These have passed away, and in their place a better system has sprung up—namely, municipal trades and technical schools, which may be found in Berlin, Paris, Lille, Hanover, Milan, and other cities, where the young are trained not in languages and music alone, which our High

Schools affect, but in the useful arts, and especially in those crafts for which the locality is particularly favored. They also qualify men for civil service employment. This is the secret of the better quality of certain foreign products and manufactures, and also of sound municipal administration—the superior technical skill in these concerns of the French and German people. Therefore, to succeed we must remodel and add to our school system. James Lick, J. C. Wilmerding, Charles Lux, and Dr. Coggsell of this city have had right ideas in endowing the trades schools, and their plans should be taken up by the city itself for the preservation and development of its crafts and manufactures.

### INDUSTRIAL KNOWLEDGE.

A remarkable display of the French industrial schools was made at the Paris Exposition of 1889, and revealed at a glance how Paris is kept rich and prosperous. These schools, it was shown, taught not exclusively, as ours, the elementary and ornamental branches, but the trades that pertain to wood, iron, chemistry, fruit-preserving, decorative arts, furniture, carpentry, painting, lithography, dressmaking, shoemaking, artificial flower making, millinery, and so on. If we attain perfection in these things, and it can only be had by education, then we can make a home market based on merit, which will endure. Sentiment is a good thing in its place, but it cuts a poor figure in the markets of the world.

The door of knowledge is open to all. At one time it was the policy of the different countries to keep their manufacturing secrets to themselves, and as late as 1761 the British Society of Arts, in giving what is probably the first national fair, forbade drawings to be made of the machinery on exhibition. France, for instance, guarded certain industrial secrets for centuries, and they were only revealed to England and the world by the emigration of the Huguenots; and to acquire a knowledge of shipbuilding, you will recollect that Peter of Russia had to work in the low countries as a common mechanic. But with the liberalizing influences of the nineteenth century industrial fairs,



such as yours, became a passport to knowledge instead of a prison-house, and the competition thereafter consisted in ingenuity and skill.

## THE DUTY OF SAN FRANCISCO.

There must be a municipal policy in these respects. We elect School Directors by accident, and they follow in the old groove, showing the greatest activity when there is a vacancy to be filled or a place to be created. You can not get men fit to reorganize the schools on practical lines under the present system of election. School Directors should be appointed on the ground of fitness alone. They may be pledged in platforms, but the platform invariably slips from under their feet as they ascend to office. If, however, the executive of the government were charged with a duty, the power of appointment and removal would give him the means of carrying out the people's will. Should not our city government then be erected on the lines of responsibility and efficiency? Otherwise, what does in avail? There is, however, in every community a class of people who oppose conservatism to progress. They lack confidence and courage. They will not brush cobwebs off their house lest the roof should fall. They lack the quality of enterprise—that magic power which, like sentiment and enthusiasm in the time of war, sweeps everything before it; which multiplies the material resources of a community by infusing into the body-politic a soul and spirit and investing it with the breath of life. It is a force which, like the genius of Hamilton, touches the dead corpse of civic pride and it springs to its feet! San Francisco is situated on the edge of the earth; so far away that our own Joaquin Miller has said that a man might drop dead and God would not know it. To enhance its prosperity it needs a larger population to consume, and a more skillful population to create, and these things will come when we have confidence in ourselves to do and to act.

The holding of this great fair annually helps to inspire confidence and self-help by giving us an introspective glance at our own resources and our own needs. It helps in other directions—

it draws from all sections visitors who may come to laugh, but who will remain to pray; who come for pleasure, and who will remain as a permanent addition to our population. There are European cities that derive immense revenues from tourists and travelers, and it has been stated that the French Exposition in 1889 saved that country from bankruptcy, which otherwise would have been precipitated by the failure of the Copper Trust and the Panama Canal. Every visitor adds to the volume and flow of the circulating medium, and thus adds to the general prosperity, stimulating trade, which is "the calm health of nations." San Francisco could thus be made a great resort—a great summer and winter city—if the people, having an ideal before them, would devote their efforts to its realization from year to year.

### THE POWER OF BEAUTY.

When Pericles was considering the best use to which he could put the treasures of Delos, which flowed into the Athenian treasury, he consulted the wise men of his city, who, with one accord, said: "Make Athens beautiful, for beauty is now the victorious power in the world, and that city will take precedence over others by the charms of the beautiful, and, like a lovely woman, will win fame, admiration, love, and influence. Appreciation of the beautiful will render the citizen cheerful, content, yielding, self-sacrificing, capable of enthusiasm. What could be more enviable than a nation to whose festivals people flocked from far and near." So they put aside the gloomy and austere models of the Spartans and made Athens, garlanded like a bride, the mistress of all hearts. But we need not go to Athens. The city of Washington, with its broad and well-paved boulevards, broken only by magnificent monuments, erected in the honor of the heroes of the country, with its art galleries, museums, and parks, is one of the most fascinating of capitals. There, beauty and utility go hand in hand, and it is not too late, in spite of all the mistakes which may have been made, for the spirit of enterprise, led by Beauty and guided by Intelligence, to awaken the metropolis

of the Pacific to its sense of duty and make it par excellence the home that all art yields and nature can decree. Located on the matchless bay of San Francisco, by the Golden Gate, under the bright skies, if art were given a fair field and upheld by an enlightened public opinion, there is no question but what San Francisco could also become one of the most beautiful and attractive cities of the world. All public places and buildings should be works of art, and private enterprises will follow the public initiative. Louis Napoleon appointed a Commission of Artists to create plans for Paris, and it was their influence, acting through a French engineer, which made Washington what it is. We should rise above the demands of unfeeling trade and rear columns to Balboa, who discovered the great ocean which is waiting to serve us; another to Cabrillo, who first beheld and led the way to our beloved California; to Sloat, and to Montgomery, who raised the flag. The names of these and other great men should not be allowed by a grateful people to lie in cold obstruction and to rot. They should stand in our streets as an inspiration to the rising generation. The educational value of these things, apart from honoring great names, should not be despised. Beauty, a good in itself, creates an atmosphere such as Plato described when he said that young citizens should not be allowed to grow up among images of evil, lest their souls assimilate the ugliness of their surroundings. "Rather should they be like men living in beautiful and healthy places; from everything they see, loveliness, like a breeze, should pass into their souls, and teach them, without their knowing it, the truth, of which beauty is a manifestation." But it would be idle to dwell upon the charms of an ideal San Francisco, if it were, indeed, only Utopian. But there is a way to accomplish these great ends, by stirring the public spirit of the people; by teaching them that these objects are desirable, not only for their health, comfort, and lucrative employment of themselves and their families, but for the delight and pleasure of strangers who shall be attracted to their city, and thus add to their municipal and individual prosperity. Civic capacity will follow close upon the footsteps of civic pride!

## OUR MUNICIPAL RULE A FAILURE.

The citizens of San Francisco know better than they can be told of the inadequacy of their present government; of its corruption and of its disgrace. It is a survival of the dead past. If you plant an oak in a vase, the oak must wither or the vase must break. Let the vase break! Let the tree live! The people crave for a government which will carry out their will. Bound hand and foot, they have seen themselves robbed by their own servants. Is it not a quarter of a century since work was begun on their municipal building, and has not that mean and extravagant undertaking, absorbed all their energies, while it has discouraged all their hopes?

“Arches upon arches, as it were that Rome,  
Collecting the chief trophies of her line,  
Would build up all her triumphs in one dome!”

Are we unequal to the task of municipal government? No; but our provincialism raises doubts and our incivism holds us back; yet as soon as we contemplate other cities, to whose excellence we must bow, we see that our dreams have already become their realities. It is the experience of every advanced modern city that responsibility and efficiency go hand in hand. There must be in the government local autonomy, executive independence, and systematic organization, under a wise civil service; and at the same time legislative independence. The legislative body should not both appropriate money and expend it; nor should it usurp the executive functions. That is the bane of San Francisco.

## THE METHODS OF OTHER CITIES.

Paris has a Council which votes money, but the Prefect of the Seine does the work. In the service of that great municipality there are employees, school teachers, policemen, firemen, street cleaners, engineers, and architects, protected by civil service



laws, who survive every change of administration, so that the work goes on systematically and uninterruptedly. Without such a system no work can be done properly, honestly, and economically. While the city of Paris has a total annual revenue of \$57,000,000, only seven millions of that is derived from direct taxation, because its government has been wise enough to know that a great city which spends vast sums for drainage, for streets, for the protection of life and property, for schools, for museums, for galleries, for parks, is, in one sense, a well equipped exposition, or market, or emporium—a place for trade and exchange, which attracts people from all parts; and that it is entitled to charge for concessions and to collect revenue from remunerative franchises, which use public property and thrive by the presence of population. So the companies which use the streets for gas, water, telegraph, and transportation, are made to contribute largely to this great fund. But in San Francisco we have but recently witnessed the humiliating spectacle of a great city betrayed by its chosen officers in these respects. Shall there be no remedy? It is for the people to answer.

### CITY AND STATE.

While we should not compare small things to great things, yet it is pardonable, and may be profitable, to recall that every great country takes pride in the prosperity and splendor of its chief city. The French turn to Paris, as the Briton turns to London; the German to Berlin; the Italian to Rome; but the people of the State of California have not always loyally upheld the city of San Francisco, the centralization of its civilization and its herald to the world, in her struggle for metropolitan pre-eminence. The State looks upon the city with a jealous eye, and yet the city is the gateway to the State, and cannot but reflect honor upon it. She greets and entertains the stranger. She beneficently provides for the citizen. Her local institutions are open to all, and, even now, she is endeavoring to make a market, at home and abroad, for the products of California. Her material interests and those of the country are one; and yet, while Paris



receives, on account of her representative character, from the national government of France one-third of the amount of her police budget, and even one-fifth the amount of her street expenditures, San Francisco asks nothing of the State but its good will. Shall she not have it, freely and generously?

No longer let it be said, then, of San Francisco, that, in the words of Bret Harte, she is "serene, indifferent to Fate," but let it rather be known that she is alive to her interests, conscious of her duties, and prepared to merit her destiny—manifest, but, as yet, unearned and unwon. In the competition she must meet, no relics of the past shall be suffered to retard her progress. If she would be a modern city, she must be governed by modern ideas.





7287 Sept. 27, 1854.

A

K

# LECTURE

DELIVERED BEFORE THE

Merica<sup>n</sup> Lib<sup>r</sup>ary Association of San Francisco,

ON THE

## INFLUENCE OF GREAT CITIES,

IN MUSICAL HALL, JUNE 16th, 1854.

BY

RJ R. SCOTT, OF NEW ORLEANS.

— — — — —  
PUBLISHED BY REQUEST OF THE ASSOCIATION.  
— — — — —

SAN FRANCISCO:  
WHITTON, TOWNE & CO., PRINTERS, EXCELSIOR JOB OFFICE,  
No. 151 CLAY STREET, THIRD DOOR BELOW MONTGOMERY.  
1854.





K

A

# LECTURE

DELIVERED BEFORE THE

*Mercantile Library Association of San Francisco,*

ON THE

## INFLUENCE OF GREAT CITIES,

IN MUSICAL HALL, JUNE 16th, 1854,

BY

REV. DR. SCOTT, OF NEW ORLEANS.

---

PUBLISHED BY REQUEST OF THE ASSOCIATION.

---

SAN FRANCISCO:  
WHITTON, TOWNE & CO., PRINTERS, EXCELSIOR JOB OFFICE,  
151 Clay Street, 3rd door below Montgomery.  
1854.

7287

## LECTURE.

---

REV. DR. SCOTT, being introduced to the audience by DAVID S. TURNER, Esq., President of the Association, said :

LADIES AND GENTLEMEN :

While the Anglican and Roman crosses are leagued with the Crescent against the Greek cross—Britain and Gaul now united to uphold the Turk whom they together sought to destroy when in the 12th century their banners were last borne to the battle-field in concert—while Europe and Western Asia are shaking under the tramp of bannered hosts, and the bright blue waters of the Black and Baltic Seas are stirred with the keel of ponderous battle-ships, and are echoing with the murderous thunderings of Sinope and Odessa; here at the Golden Gate—the great Western gate of this vast continent, so far westward that it looks boldly on the face of the jewelled East—very different, more useful and more glorious results are being achieved. It was a proud and happy day for America, when California, like Minerva, was born fully grown—and the commerce of the great Pacific, the new and long sought high-way to the Indies, forming the last link in the belt of civilized enterprise which now clasps the world, and the rich valleys and golden mountains from the glittering snows of the Shasta

to the burning deserts of the Colorado were declared a new State in the Confederacy, under the flag of Constitutional Liberty and Representative Republicanism. In the Holy Land the hills may be "everlasting," but they are not so here. This metropolis of commerce in its antecedents and prospects is absolutely without a parallel in the history of cities and nations. Here the rough places are made smooth, and the mountains are made plains. And instead of sand hills, luxurious houses, marble palaces, and costly marts rise up. Here I see the surplus waters of one of the most magnificent bays on the globe conquered, and long lines of wharves stretched out, and burdened with the rich and useful products of all climes, and noble ships, wearing the crest of every nation, locked to them, or resting on its bosom. A busy, adventurous, enterprising population throng your thoroughfares, exhibiting the complexion and costumes of many different lands. And with wealth and intellect, and a bold, daring spirit, I see here the taste, the refinement and elevation of character, mental and moral, that ennoble the best portions of the oldest States. And all this, where some five or six years ago, there were no buildings better than cane huts, hide houses or canvass cabins. Here I see the loftier pursuits of man, as well as the grosser, encouraged. Here I find private and public schools equal to those of any country, and temples for the service of the living God with freedom to worship Him according to every one's own conscience. Here are established associations of christian young men, Lyceums and Libraries, and scientific, benevolent and literary Institutions, and a monthly periodical conducted with marked ability. Its contributors are, I believe, all from your own citizens. Here I find a newspaper press, which, in excellence of style and matter, in tone and ability, has astonished me more than almost any other thing in California, which is itself a land

of wonders, and an enigma not only to "The Times," the great thunderer of London, but to the civilized world. And if the actual exports and the prospective commerce of this city—when the great road to the Atlantic shall have been built—and when the wealth of China, and Japan, and the Islands of the sea shall be poured into your lap, and thence distributed over this entire continent and to Western Europe—when the growth of the Pacific States shall have as far outrun our present conceptions, as the actualities of California have surpassed the anticipations of 1847 and 1849; and when I say, all this authorizes us to call San Francisco the TYRE, so in recognition of her public spirit and her love of the finer arts, and her early devotion to Free Schools and Literary Institutions, we hail her as the ATHENS of the great Pacific. It was with some such thoughts as these, that I ventured to think that some remarks in behalf of the Mercantile Library Association ON THE GROWTH AND INFLUENCE OF GREAT CITIES, might be interesting and useful to you.

I. *Our age is præeminently the age of great cities.* Memphis, Thebes, Babylon, Persepolis, Athens, Carthage and Rome were great cities; but our globe has never been so full, nor society so thoroughly pervaded with the spirit connatural to great cities, as at the present time. After all, gold is not the only thought of mankind. There are other pursuits and other ambitions than those of filthy lucre. The spirit that now broods over society has grown by slow degrees, and in the midst of great difficulties; but it has eliminated itself from one prison hold after another, until its presence is nearly commensurate with that of our race. Modern civilization owes its extension to commercial enterprize, and modern commerce in its rise and progress is chiefly indebted to the powerful awakening of the human mind at the period



of the Crusades, and afterwards by the great Reformation of the sixteenth century, and to the subsequent efforts of the Christian world for the evangelization of heathen nations.

The tendency of modern society is towards building large towns and cities. This tendency is apparent even in our newest States, but is seen more palpably in the older ones, and on the continent of Europe, where the people may be said to hardly live in the country at all. This city-building tendency is both cause and consequence of every agricultural extension. It discovers itself in the more general recognition of human rights acknowledged in our day, and which is a starting point in all the movements of modern society, and which has eminently contributed to the influence of congregated masses. Great cities have infused into modern society an impulse to freedom and refinement, and a spirit that eminently favors equality of rights, and full and fair and free opportunities for improvement, and for the pursuit and enjoyment of human happiness. The opening of the race of life equally to all classes of men, and the universal diffusion of knowledge and power is the great object of the society that now is, and will be still more the great object of the ages to come. Twice has our race been indebted to cities for civilization and civil liberty. *First*, with the rise of cities, civilization and political institutions began, and, *secondly*, in and by them were developed the principles of independence, self-government and equal rights in the middle ages. In the Bible we are told, Cain dwelt in the land of Nod, on the east of Eden, and built a city, and called it after the name of his son, Enoch. It is strange that the first man who shed the blood of his brother, should have been the first builder of cities. Civilization you know is a word that comes from *civis*, a citizen, and *civis* is a citizen because he dwells in a city; and in this way, Cain is the founder of civilization subsequent to the expulsion from

Eden. The origin of cities certainly belongs to the earliest period of history.

Relationship, man's innate love for society, the necessity of defense against wild beasts and more powerful neighbors, together with purposes of traffic, led first to permanent settlements. The two great objects of cities in ancient times were safety and trade. If security was the object, then the site selected was generally the slope or summit of some lofty rock, as is seen to this day in the old castles of the Rhine. If trade was the object, then the bank of some large river, or the head of some bay of the sea, having a rich back country, was selected as the site for the city's foundation. In the latter case, as security for life and property was necessary for trade, so art and labor were required to provide the means of defense, in the shape of massive walls, and strong military towers. As the population of these communities increased, so their wants and consequent trade, skill and available force multiplied. The great capitols of Egypt and Asia were situated on the banks of their principal rivers, and defended by extraordinary works of art. In a commercial and military point of view, there is scarcely on the globe a more eligible position than this. I should say but one, and that is Constantinople, the prize now so eagerly sought by the great powers of the world. The All-wise Creator, in his munificence, has marked out this place as the site of a great city.

II. Ancient cities may also be classed as either military, as Sparta and Rome, or commercial, as Tyre and Carthage, or mixed, as Memphis, Thebes, Babylon and Nineveh. In all of these there was a blending together more or less of the arts of war and peace. The cities of Egypt, Assyria and Greece were both marts of commerce and centres of vast military power. And even in ancient times, if *commerce*

was not then king, still it was more powerful and long lived than despotism. Empires rose and fell with astonishing rapidity. But the machinery of commerce outlived the enginery of war. Military rule often rose as a mushroom and perished in a night; but companies of peaceful merchants such as are described in oriental tales, continued to pace their way from one caravansera to another, alike regardless whether Pharaoh, Sesostris, or Nebuchadnezzar sat upon the throne. They were but little affected by the change of one dynasty for another. The great military roads of Babylon, stretching from the Persian Gulf to the Ægeon Sea, and from the Nile to the Oxus, were used as the highways of merchants long after the soldiers of the golden empire had ceased to traverse them. Whether the last conqueror were the "Barbarian shepherd king," or the more civilized Mede, all were sagacious enough to perceive that the wealth and power of empires must be derived mainly from the ingenuity and enterprise of commerce; and accordingly they did not fail to protect and encourage the productive skill and extending trade of their dominions. The same remarks are true of the Roman roads and of the policy of the Cæsars. The cities of Phenicia in their day, were to the known world what the manufacturing and commercial cities of Europe and the United States are now to the nations of the globe. Homer is loud in his praise of their genius in arts and of their enterprise in traffic. For many centuries they were the great discoverers both by land and sea; their navigators were found upon every known water, and their wares were exposed for sale in every market, and bartered in every recess and hovel of barbarism. Similar was the trade of the cities of Arabia Felix, with the empires and people between the Hellespont and Cape Cormorin. Africa and Asia also were their neighbors, and with them they carried on constant commercial intercourse. And the result was,

that the narrow strip of the great Arabian peninsula where this great commercial people dwelt, from being a wilderness became a garden, and their houses and public buildings were adorned with the works of art like palaces, whose ruins are now visited among the greatest wonders of the world. By means of their commerce they derived wealth and civilization from the older and more powerful nations, and the looms and dies of Babylon outlived the power of her kings. The cities of Egypt and Asia, however, knew nothing of the institutions of popular intelligence and suffrage, which at a later period adorned ancient Greece, and now, with a thousand fold increased influence, vigor and purity, pervade a portion of Europe and America. Even oriental merchant cities possessed very little of the principle of self-government. In passing through their streets the largest mass of people to be seen were slaves engaged in the labors of city traffic, and offices of domestic servitude. Mixed with these were a few country farmers, selling their produce. The luxuries, the wealth, the refinement and the power were in the hands of a few. Tyre had no commerce, but was a great manufactory. Holy scripture informs us that king Solomon sent year by year to that city twenty thousand measures of wheat and twenty measures of pure oil, in exchange for firs and cedars. Its inhabitants were merchants, priests, soldiers and sovereigns, with weavers, traders and workmen, donkeys, dogs and camels, yet she was "filled with wisdom and understanding and cunning to work all works of brass."

III. Commerce, manufactures and agriculture have in a great measure taken the place of feudal wars and semi-barbarous fetes. The feudal and the military have given place to the commercial and civic. For several centuries the forms and the spirit which characterize modern society, have been making their way into the place of those which were charac-



teristic of society in the middle ages. In Europe, the ancient and modern states of society are represented by the landlord class and the mercantile class. Aristocracy, royalty and church establishments, supported by the State, are the incorporation of what remains of the form and spirit of remote times. And in no part of Europe is the struggle between the feudal and the civic, so prevailing, so organized and so determined as in England. In no other Protestant country are there so many and so great inconsistencies, and such palpable contrasts as in Great Britain. In no other country is there so great wealth, luxury, intelligence and magnificence in such close proximity with ignorance, degradation and vice. Great Britain is incomparably the greatest, richest, best governed, happiest nation of Europe; yet it were difficult to find greater depravity, ignorance and vice on the globe, than prevails in the streets of Glasgow and London. In no other Protestant country is there so great a hierarchy, and so wealthy, intelligent, numerous, and powerful an aristocracy; and in no part of the globe is there a commercial power embodying so fully the spirit of the age, as in England. And every fresh accession to the strength of the commercial party, becomes the occasion of a deeper jealousy and of a more active hostility on the side of the parties adhering to the ancient order of things. Every new spinning jenny, and locomotive, and ton of railroad iron that is ordered from the shops and warehouses of England, is an addition to the modern spirit of society. Lord Brougham said in his remarkably able speech in 1811, on the "Order in Council" — "Circumstanced as the two countries are, I use no figure of speech, but state the simple fact, when I say, that not an axe falls in the woods of America which does not put in motion some shuttle or hammer or wheel in England." (p. 454, vol. 1, Speeches.) There is at every great era of the history of the world, a



leading principle, which gives direction to the fortunes of nations, and the characters of distinguished men. This principle in our times, is that of the action and reaction upon each other of Europe and America, for the advancement of free institutions, and the promotion of national liberty. Ever since the discovery of America, this principle has been in operation, but naturally and necessarily with vastly increased energy, since the growth of an intelligent population this side the water. The restlessness of our times, and the fierceness of party strife; the murmurings of one nation against another, is evidence of healthful activity. Where there is no life, there will be no movement. The strugglings and overactings of some portions of modern society, is evidence of the depths of its breathings. They are signs of life struggling to throw off some unhealthy accretions, but of life that is youthful and vigorous. Where there is great vigor, there will be action and thinking and diversity of opinion, both as to what should be done, and the best method of doing it. The many months that our legislators spend making speeches per diem, are not lost. It is a great blessing to the country. It is a great relief to the gentlemen themselves to be delivered of superfluous excitement, and it is necessary to their constituents. It will sometimes happen that a multitude of words darkens counsel; but generally by much speaking is much light. Not a speech is lost. It has its mission to fulfill. A man's neighbors will read *his* speech when they will not read any thing else. And I should reckon it a something gained for society, if every constituent of California should read one speech a year, even if it were made for Bunkum. For it cannot be conceived that any speech could be read without exciting a thought of some kind, and the simple exciting of any mind to the perpetration of a thought is an impulse toward something better. Wherever there is *thinking*, there

is hope of improvement. I am decidedly in favor of legislators making speeches for their constituents, even if the reporter makes it for them. Any thing that agitates the mass of mind—that leads the people to think, to read, to examine and to act for themselves, is of vast moment in such a country as ours. It is only under a despotism that men can neither move nor mutter. It is under such a government that all public feeling and popular intelligence are smothered to death, and the people are left sitting, *quietly*, it may be, but it is the quietness of dejection, the sullenness of despair, and the lethargy of death. There is no paradox in saying that the most captious, hard to please, grumbling nation is after all the most moral and the most free. In spite of the contempt which Napoleon sought to cast upon Great Britain when he called her a “nation of shop keepers,” his loftiest efforts of genius were directed toward the pulling down of those shops, the arresting of her looms, and the crippling of her commerce, and in the fruitless but most gigantic scheme to make Antwerp the London of the world. And never was there a moment when the commercial interests of England were so great as at present, and never was her wealth, power, influence and domestic happiness greater. The growth of her great cities is the result of her commerce, and her commerce is the result of her home industry, her skill in machinery and enterprise in trade, and these agencies in turn have built her large towns, which in their turn operate upon the intelligence, agriculture, manufactures, morals and piety of the nation. It is because Great Britain is the HOME of great cities, that she is the greatest commercial power on the globe, and is secure in the possession of her greatness in nearly all other respects. So glorious is the progress of knowledge, so triumphant the onward progress of civil liberty, so diffusive the spirit of Christianity, and so broad the base of modern civilization that the shadows of

coming events of good things are already descending upon the nations of the earth. The spirit of our age will have its way. There will be no retrocession in the march of revolutions, however much the sun may seem to go back on the dial of freedom. A band of iron is making which is to be welded and hold within its circle a world that shall hold no conflicts but those of genius, and no weapons but those of honest rivalry, and no institutions but those of freedom and Christianity.

For weal or wo, a revolution in favor of the commercial and civic states of society has been begun, that can never go back. Modern cities are the palpable flesh and blood, or at least brick and mortar embodiments of this revolution in modern society. They are the triumphal columns of the victory of liberal principles over the rudeness and military power of feudal ages, and the priestly arts of the debasing superstitions of former times. The jealousy, envy and prejudices that would blot them out of existence as but little better than concretions of ignorance, vice and irreligion—and that would remove them from the body politic as “unsightly wens,” belong to the little, one-sided, one-eyed, narrow, contracted, mean and pusillanimous spirit of the semi-barbarous ages that have long since gone down the sky to the regions of eternal night.

It was once happily said by Burke, whose eloquence and wit were surpassed only by his learning and philosophy, when pleading for the parks and public squares of London against the littleness of soul and the greediness of avarice that sought to convert them into shops and warehouses: “that they were the lungs of London, and the Thames its great artery.” Keeping up the figure, we would say, great cities are the lungs of modern society, and steam navigation its great artery. Large towns are the breathing apparatus of the last and best forms of civilization.

Philosophy teaches us that the broader the base of a pillar, the stronger the foundation, and the higher the apex of the shaft may rise. On this rule, then, we cannot doubt as to the permanence of Republican Institutions, and the complete triumph of the great principles infused into modern society by christianity. "The area of freedom" is becoming so wide—the base of modern civilization so broad, that nothing short of the annihilation of a large part of our race, and the total oblivion of man's noblest achievements for six thousand years, can drive mankind back to the darkness and despotism of former ages. Time was when civilization was confined to Jews, Egyptians, Greeks or Romans; and when their country fell respectively beneath the stroke of barbarians, then civilization was well nigh blotted out from the world. But it is not so now. If, by any revolution of things Europe should go back to skins and acrons, the monkey-like Paradise state of the human race, that so much delights some of our *savans*; and if St. Petersburg should be sacked and given to the plunder of the Turk—if Vienna, Paris and London should fall into ruins and become as Thebes, Palmyra and Ninevah now are, still America would be left for the preservation of arts and arms, commerce and religion. And if America should be tossed by civil commotions or endangered by the invasion of hostile and barbarous foes, her children embodying the spirit of their fathers, as the seed for new generations, would take up their abode in the islands of the sea, bearing with them their civilization and arts, as Æneas bore old Anchises from the walls of burning Troy. In spite of kingcraft and priestcraft, of ignorance and despotism, of earth and hell, I believe in the ever onward, upward, hopeful view of our race. The highest form of human civilization and the most perfect state of civil liberty, is that in which man was created—in the image and after the likeness of the



ever Blessed God—and as the Gospel prevails and restores man to that image, so the base of true freedom will become as wide as the world, and its top shall reach unto heaven—to the throne of the Eternal—and the angels of God will come down to sing the pæans of universal victory over selfishness, bigotry, ignorance and oppression, in the temple built by Liberty's devotees.

IV. For the last half century the commercial spirit has every where been supplanting the warlike. The producer has superceded the destroyer. Peace hath had her heroes no less than war. A half century ago, causes more trifling than the marriage of Louis Napoleon would have produced a war between England and France. The fishery question, the boundary question, the Sandwich Islands, the Mosquito Kingdom, Cuba, the Black Warrior affair and the costume regulations of the Secretary of State, would have plunged us into war before this, but for the influence of commercial interests. Such is the progress of Freedom in thought and in governments and in trade, and so large the liberality of sentiment characteristic of our times, that the army of the warehouse prevails over the army of the bayonet. The ledger of christian counting houses, express offices and insurance offices are converting the sword into the ploughshare. The power of the feudal lord has paled before the intelligence of the christianized farmer. But as the forest is subdued and agriculture advances and commerce increases and nations are bonded together by intercourse and trade, so will ships multiply and roads be constructed, and large towns grow up, and the inhabitants of our globe be emancipated from political and social vassalage.

Philosophers and cabinets and monarchs are beginning to see that science is lending her influence in many powerful forms for effecting this great result. The new and speedy



communication between great cities in Europe and Asia, and between Europe and Asia and America, will necessarily tend to swell the large towns into still greater magnitude, and to diminish the weight of the smaller intervening places, and the social influence of the country population. Everywhere, in Europe and America, there is a prevailing disposition to converge upon great points. Large towns are increasing in number, and absorbing all the smaller within their vicinity. Investments in villages and small towns are so hazardous that they have nothing better than a nominal value. This may be unwise and perilous, but it is so, nor do we see the slightest prospect of a change, nor do we believe that it will ever be otherwise for any considerable period of time.

Modern Europe is the offspring of the feudal system that grew up against the ruins of ancient civilization. The transition of power from the hands of the victims of corrupt civilization to the ruder but stronger grasp of the Northern barbarians, produced but little change on the towns and cities of Europe. The spirit of popular liberty inherent in the Gothic institutions of the new settlers readily blended with something of the former policy and jurisprudence. The bonds of society were soon so far replaced that life and health began slowly to return. During the darkest ages something of social refinement and of the elements of improvement remained in the large towns and cities, and in the eleventh and twelfth centuries, came the practice of granting charters to boroughs and cities, and from that time the principles of self-government in our municipal system became more defined, more fully recognized and better understood. The Romans built colonial cities in Gaul, Africa, Spain, Germany and Switzerland, under Augustus and his predecessors, many of which exist to this day. Charlemagne, from a strong desire to civilize the Germans,

and cement his empire together, compelled many of them to live in cities. Henry the I. distinguished himself so much on account of his zeal in building cities and granting them privileges, that he has been called *Henry the city builder*. The power and growth of cities broke down the feudal system. In many of the large cities, castles were erected to protect the inhabitants, and the cruel oppression of feudal laws and wandering knights and robbers drove many of the peasants to reside in cities. This gave rise to greater trade and to the cultivation of the various arts within their walls. And as several neighboring lords sometimes leagued together for the subjugation of a city, so cities sometimes leagued together to resist their attacks, and the result of the contest was generally in favor of a popular government. The people of such towns choosing their own rulers, retaining their own keys, and enacting their own laws, soon began to understand the doctrine of self-government and the principles of representation—a principle that had no place in the free governments of antiquity. As early as the reign of Edward III., English boroughs were deemed of sufficient importance to send members to Parliament along with the knights of the shield, and both sat together, constituting conjointly the second house of the British legislature. Not less than seventy times during his reign were the representatives of boroughs assembled with the knights in a legislative capacity. There was however, but a feeble approach in the Amphyctionic council and the Achæan league of the Greeks, to any thing like the representative system of the British House of Commons and the Republican Representation of the Congress of the United States.

As the immediate object of commerce is gain, commercial states are always reluctant to engage in war. All the glory of all the victories to be gained by the combined fleets and

armies of France and England will not satisfy the merchants of those countries. The present British ministry will be overthrown in less than six months. So intimate and philosophical is the connection between commerce and political freedom, that it is not too much to say, that the treasure as well as the blood of our ancestors, is the price of our liberties. The principles of independence and self-government ascend from the precinct to the senate ; from the chamber of commerce to the heads of the departments of the state and of the treasury. The more fully and intelligibly the principles of independence and self-government are acted upon in the towns and cities of a nation, the more generally will the people become interested in its affairs, and the greater is the probability that statesmen will regulate their conduct by principles that will abide the severest scrutiny. When the *spirit* and *forms* of constitutional liberty are *localized* in neighborhoods and cities, we have the best possible guarantee versus their being *centralized* at the seat of government. "It has been found necessary," says Curran in his speech on the election of Lord Mayor of Dublin in 1770 — "to establish at least some few incorporated bodies, to serve as great depositories of popular strength." In Great Britain he informs us the importance of such repositories has long been understood, and "hoarded up with the wisest forecast and preserved with a religious reverence as an unfailing resource versus those times of storm in which it is the will of Providence that all human affairs should sometimes fluctuate ; and as such, they have been found at once a protection to the people and a security to the government." The intelligence and social virtue of localized forms of popular government in cities, seems to serve the same purposes of protection and security both for the people and the general government, that a nucleus of a few thousand regular soldiers do for the formation, discipline and encouragement and comfort of new volunteers.

The errors of enlightened and free cities in matters of general government, if err they should, are only specks that arise for a moment upon the surface of a splendid luminary, consumed by its own heat, or irradiated by its own light; they soon disappear; as our cities soon renew themselves after the ravages of a fire; but the perverseness of an uneducated mass of mean and narrow intellect, without social habits and the kindly humanizing effects of close and intimate society, are like the excrescences that grow upon a body naturally cold and dark—no fire to waste them, and no ray to enlighten; they assimilate and coalesce with those qualities so congenial to their nature, and acquire an incorrigible permanence in their union with kindred frost and kindred opacity. It is only where men are congregated in masses and are subjected to the stimulus of each others' sympathies and rivalries, and are brought under the influence of discipline and social virtues and the humanizing effects of civilization and the refinements of education and wealth, that they have opinions worth contending about, and that the great questions belonging to good government find their birth-place and advance towards maturity.

“ By mutual confidence and mutual aid  
Great deeds are done, and great discoveries made,  
The wise new prudence from the wise acquire,  
And one brave hero fans another's fire.” — POPE'S HOMER.

V. If the designs of Providence in regard to great cities can be learned from their history and the influence on their respective territories, it must appear, that they are POWERS of whatever Providence has designed for man to do upon earth. Human agency is necessary to keep the earth from degenerating into a monstrous wilderness, fruitful in every rank production and every unclean thing. In the command then to multiply and fill the earth and till the land, was



included a command to build cities. The wandering hordes of Mongolians and Tartars spread over the vast flats of Central Asia, from earliest times to the present, and the aboriginees of Germany, Great Britain and America. The Diggers of your own mountains, are examples of what man is and what he will be without cities. The ancient people of God in Judea, ancient Egypt, Phœnicia, Greece and Rome with arms, arts and letters, and modern Europe and the populous educated states of America are examples of what men are and may become under the humanizing and elevating influence of great cities. So dependent is man upon a combination of social agencies for means to diminish the inquietudes and discomforts of a rude and uncivilized state—and to procure peace and enjoyment for himself, that he is incapable of realizing his high destiny without associations with his fellow-man. “God working ever on the social plan, by various ties attaches man to man.”

The habit and capability of enjoying the romance and seclusion and repose of the country, is usually derived from the busy scenes of life. It is the education of the city which man has built that gives us power to observe and opens up the susceptibilities of the heart to the country God has made. We are now prepared, I trust, to say in the next place,

VI. THAT THE INFLUENCE OF CITIES ON POLITICAL SCIENCE IS VERY GREAT. To some extent this has been anticipated in what has been said of the rise, early history and constitution of cities. The first form of government was patriarchal. As families enlarged and the heads of family-states died, it became necessary to ELECT a chief, and thus political institutions began to assume a systematic character.

As purposes of trade and defence of life and property caused men to build cities and surround them with walls



without, so necessity soon taught them to make laws within. And the very first division of labor and distinction between *meum* and *tuum*, produced some idea of equal rights and of personal independence and self-respect. And the intercourse of these towns one with another, called for laws and tribunals of justice, and a kind of international code, and a desire for refinement and reputation were the natural results. And as these salutary consequences were enjoyed, the idea of self-reliance, of independence, of home, and of the love of country would naturally be developed. And as a municipal body every city soon had its local regulations and its local functionaries. These regulations and the powers of these functionaries emanating from the people, were expressions of the popular will. And thus a popular character was very soon and very naturally attached to the municipal law and authority of great cities. They became *imperia in imperia*. And such, in a great degree, they are still. In all past ages and in all countries, whether in Asia, Africa, Europe or America, where the people have attained any thing like free institutions and achieved a high degree of wealth, and consequently of civilization, it is found that there were built great cities, and that in them were concentrated and longest preserved the elements of civilization and freedom.

HEEREN has justly remarked, that "the rise of cities was the most important source of the Republicanism of antiquity." This was particularly true of Greece. And Lord Brougham has said that "the manufactures and commerce of England give life and vigor to the main pillars of liberty in the realm." Speeches, vol. i. p. 457, Edin. edition.

The necessities of city governments are of a strong Republican tendency. The cities of Italy are to this day the most important remnants of the great fabric of ancient civilization. It was amidst their bloody contests with one

another, that they lighted the torch of modern civilization. It was the cities of Northern Italy that opened the way for the progress of improvement, by confederating together against the Emperors of Germany, very much as the most important cities of Greece entered into a confederation to oppose the power of Macedon. The Achæan and the Hanseatic league, and the confederacy of the High German and Rhenish cities from the foot of the Alps to the mouth of the Mayne in 1253, and of the Suabian cities in 1488, and more recent commercial unions and treaties will suggest something to your minds of their immense influence on human affairs. Time absolutely forbids me to enter on the history of confederate cities, and I am sorry to say, I do not know of any good history in our language of the rise and influence of free cities.

VII. Let us consider next the INFLUENCE OF CITIES UPON PHYSICAL SCIENCE. And what are the monuments of Thebes and Persepolis, of Athens and Rome, but the mutilated treatises of the ancients on science? Their monuments, like their literature, are memorials of their minds, showing us their developments of thought, reasoning, imagination and truth. Cities are known to us as once having existed great in power and wealth, not so much from their preserved written literature, as by the mouldering fragments of their science. It is thus with Copan, Uxmal, Palenque, Etruria, Petra and the cities of the Nile and Euphrates. Every region of country that has become the seat of a great city, has become the home of an improved agriculture. This results in part from the wealth of cities, and in part from their mechanical and scientific skill. Do not the associations of the city fell the forest, build the aqueduct and canal, drain the swamp and open up highways of travel and trade?

The Babylonians, the Carthagenians, the Moslems of Spain and the nations of modern Europe are scarcely less celebrated for the adorning of their capitols than for the agricultural improvements of their respective territories. Lands nearest great cities are more valuable than those remote, and the larger the city, the more valuable the land in its neighborhood. Large portions of the earth's surface is not fit for cultivation until it is cleared and drained, and this requires means, money and skill, which the city alone can furnish. I know it is said that commercial states are selfish and mercenary. If so, how does it happen that Great Britain and the United States are at the same time, both the most benevolent and commercial nations on the globe? How does it happen that sufferers by flood and fire, by robbery and tyranny in all parts of the world — from the cry of the Greeks to the refugees of political proscription in 1848, have shared our almsgivings? Where was it, and whence but from the great marts of commerce, a hundred thousand dollars flowed into the treasury of the Howards during the prevalence of the epidemic of last summer in my own city? And how is it, that according to a well-informed newspaper, the amount of money raised in the United States and sent abroad within the last forty-five years for charitable purposes, far exceeds the amount due to Europe for interest on all the debts of all the states of the Union? And where, but in our large towns and cities are the funds obtained to build churches, colleges and asylums?

It is said again, that a city population is fickle and superficial — that they are “like Zimri, all things by fits and starts, and nothing long.” It may be that the mass of the city are superficial thinkers, and do not achieve profound scholarship. They may not excel in brilliant emanations of the intellect; but, still a commercial people are always an ingenious, quick witted people. A commercial age is also a

deep-thinking age. And if the deep-thinking is not done in the city, it is encouraged, supported and directed by the city. The cities of a trading people are the forges and workshops of thought—deep, powerful, upheaving, deathless thought. The profound thinkings of a commercial people may not be committed to paper in Parnassian rhythm, nor in Ciceronian periods. Its vehicle of communication with the outer world is more generally a series of Arabic abstractions called figures, which soon assume local habitations and names for the most substantial comforts, and highest pursuits and enjoyments of man. It is true, that every one that has money to purchase fine pictures and statuary, has not the taste of a Reynolds, a West, a Canova, or a Powers. All men are not equally able for all things. But an admiration for the fine arts argues good taste. If

“To dally much with subjects mean and low  
Proves that the mind is weak or makes it so,”

then the disposition to patronize the higher departments of letters and arts, is proof of a refined judgment and an elevated taste. If the embellishing of the houses, halls, temples and public institutions of cities, and the residences of merchant princes, support the artist—if it is the use of the wealth of the city that creates the taste and furnishes the means for the enjoyment of pictures and statutes—if it is the demand that calls forth the supply, then it will be found, that it is from the emporiums of trade that the mandate issues to send Nature forth

“To teach the canvass innocent deceit,  
Or lay the landscape on the snowy sheet.”

If the city gives value and beauty to the fields and gardens of the country, and tames the stubborn soil and makes it fruitful and furnishes a market for its products,



and builds and adorns the landlord's palace, much more does it improve and elevate his taste to the possession and enjoyment of the works of art. If all the world were farmers they might have bread and beef enough, but the mass of mankind would be idle, untaught and narrow-minded. For it is the excitement of trade, the conflicts of a generous rivalry and the enlargement of ideas consequent upon the exchange of the products of one country for those another, that calls forth the powers of the mind and the heart, that gathering wealth and social comforts expands into civilization.

Wealth, that is the comforts that wealth commands, has a tendency to improve the general health and prolong the mean duration of human life, and health and long life in their turn produce wealth. They are both mutually causes and consequences—both the results of advancing civilization, and both contributing every hour to carry on civilization to a yet higher point of excellence. History proves that wealth and knowledge combined have done much to prevent human casualties, and have generated nature favorable to a healthy physical condition of society alike calculated to ward off the attacks of disease and to baffle them when they are incurred. Philosophers, physicians and educators have been successful in awakening the public mind to the vast importance of the proper ventilation of sitting rooms, sleeping chambers and school houses, and the wicked absurdities of unhealthy dress, such as whale bones and thin soled shoes. A French writer has shown that persons of high rank have better health and live longer than those that are subjected to pain, anxiety and hard labor—that the middle class far exceed the poor in health and length of life. The cultivation of the mind, whether from direct intuition, or from improved social circumstances, or from a combination of these and other causes, increases the mental power both to



endure and to enjoy. The officers of the grand army of Napoleon stood out longer than the privates in the retreat from Moscow, although the previous habits of both parties would seem to have indicated the very reverse. The same observation is true of our army in Mexico. Literary men and artisans and clergymen, in Europe and in this country, who have a competence are long lived in their generation. The insurance offices of England show that of the middle classes who have insured their lives, the annual average of mortality compared with that of the negro slaves of British West Indies from 1800 to 1820, was one to eighty-one, while that of the negroes was one to every five or six. As the wealth and domestic comforts of England and America have increased, so has the average duration of life increased, and the ratio of mortality diminished.

Statistical inquiries in this country have scarcely begun, and in Europe they have hardly reached the maturity of a science; yet they are so far advanced as to enable life insurance companies to operate with perfect safety. And it were a blessing in the advancement of civilization, if the foolish prejudices that do still exist against life insurance offices were all overcome, and our salaried men, mechanics, clerks and packers, laborers and draymen who are married, and they all ought to be married, and to have their wives with them in California, all invested a portion of their income every month as a deposit for their families.

The influence of cities upon the fine arts is seen in the fact, that the adornments of the castles of Europe were borrowed from its merchant palaces. Germany and Flanders, Genoa and Venice excited the enemy of the feudal aristocracy, and then military nobles and scions of royal blood began to cultivate a taste for the fine arts. It is an undoubted matter of fact, that the revival of the Fine Arts in Europe, was much more the work of its merchants than of

its nobles or of its princes. It is not an aristocracy of privilege and blood, but of wealth and genius that creates and fosters the fine arts, and when they shall cease to have the patronage of the trader and the citizen, then they will perish from the face of the earth. Along with the skill that produces, comes the means of possession and the capacity to enjoy. The Republican traders of Holland had a fine school of art a hundred years before the aristocracy of England could boast a single one. But as England has become great in commerce and in cities, she has become great in art. English art in the 19th century is just such an improvement upon the Dutch school, as English naval power and commercial greatness surpass that of Holland in the 17th century. The pictures and statues and histories of Greece that surrounded the Roman youth, educated them to be the men they were, just as the atmosphere of the Alleghany makes the strong mountaineer. This, then, should teach us to have Public Squares, Fountains and Statuary, Libraries, Lyceums, Museums and Fairs for the people. It is by the presence of such things a healthful public taste may be created.

FINALLY. The more commercial and town building States have always been in the van of POPULAR EDUCATION. This was true of Holland and Spain in their glory, and is now eminently true of OLD and NEW ENGLAND. It is not my purpose to enter upon an examination of the difference between the state of education in agricultural and mining districts, compared with those of the manufacturing districts of Europe, nor to consider the state of popular education in large towns and cities, in contradistinction to that of rural districts; but it is believed that such an examination would show a vast result in favor of manufacturing districts and cities—both as to the *number* of schools and their

*efficiency*, and as to the number of children receiving instruction and the proficiency of their studies—nor can I now compare the state of education in America with that of Europe, although when abroad in the old world, I made some examination into the condition of European schools, and the result is that I am more than ever satisfied that American schools and systems of education and elementary books and training are in every respect, except that of physical education, worthy to be compared with the best in Europe. And in some respects, especially in activity of mental habits, universality of attainments, and adaptedness to the nature of free institutions and the useful pursuits of life, I consider our schools superior to any in the world. There is a healthfulness and a purity and modesty, and a vigor in the mass of the people in our oldest and best regulated communities, that cannot be found abroad. Our free institutions as they emanated from the Federal Constitution and from Washington, and are possessed by our sovereign states and in municipal bodies, and especially as they are connected with the two dearest rights of man, the *liberty of the Press* and the *liberty of conscience*, contribute to render our country a scene of constant mental training. Though our territory is immensely large and our population widely scattered, yet such is our mobility, our intercourse and activity, our travelling and intercommunion one State with another and one city with another, and of the country with the city, and so universal the circulation of newspapers and the diffusion of the blessings of education, that substantially all our large towns and populous districts enjoy all the advantages of a city population, with a freer circulation of pure air. The newspapers, teachers and books, and professional skill which our towns and remote neighborhoods enjoy are the products of city institutions.

The influence of the city press alone, every week, is

powerful beyond calculation upon millions of minds. The earliest news hastens to and from the city; the most startling and thrilling exhibitions of depravity are there reported. Thither the country looks for the most sagacious conjectures of what is to come. The city press is sometimes a combination of whatever is corrupt and debasing; but it is also often marked with whatever is quick, powerful and comprehensive in intellect, and almost as resistless as Fate. There is not such a newspaper reading population on the globe as the American. The intelligence thus imparted and the sharpening of the faculties of our people by means of public lectures and schools, and the influence of the Sabbath with its schools, libraries and pulpits, are all working out the great destiny of this nation. It is in such a great school house, with the press and the temple of a pure christianity for his instructors that every American has his place from earliest youth even to the end of his days.

The influence of great cities, then, is the combined influence of *wealth and mind*. When a favored spot has been selected for the building of a city, men gather there—the laborer, the mechanic and the merchant. These must have houses to dwell in, and they must have sustenance. This creates a market. Laborers, mechanics and merchants are sometimes sick—this brings the Physician; and sometimes they quarrel, this brings lawyers and justices and creates courts. Teachers, too, are needed to instruct their children, and ministers of the Gospel to remind them of a world to come. The wants of such a population bring ships with their cargoes, and the introduction of foreign products calls for home manufactures to pay for them, and this exchange of products introduces fashion, taste, rivalry and skill, and activity in the pursuit of wealth. Great cities are thus the exchange places of commerce, agriculture and manufactures, and these exchanges cannot be made without



leaving heavy deposits, and the richer and larger the surface of the world that trades to a particular city, the greater will be that city in wealth and population. Mental efforts are usually put forth either by high excitement or for large rewards of money. Both of these are found in cities. The city capitalist and merchant are more likely to be men of strong intellect, than the nobleman that pretends to trace his blood back to William the Conqueror, or Charlemagne. No men need keener wits, or more mature judgments, and more accurate and extensive views, than the merchants of large cities. Large fortunes may be made or lost, as their knowledge of different countries and markets may be correct or imperfect. The web of social policy is never more intricate than when wrought from the threadwork of commerce. If I am not mistaken, no courts require more available intelligence on all subjects than the commercial. They are calculated to elicit a keen, a comprehensive and a robust, if not a highly refined intelligence. The most flourishing schools of literature and of the learned professions—the universities that mould the mind of the world, are found in Paris, Berlin, Rome, Leipsic, Edinburg, and other large towns and cities in Europe and America.

The country and the village may be the best place for the birth and early training of youth; but it is in the excitement of the city that the highest developments of mind are made. The powerful minds that have swayed the destinies of mankind, though not commonly born in the great city, have generally gone to reside there, to feel the pressure of that activeness which would draw out their strength, and to find a theatre suitable for their talents. Our men of letters have their homes in and near our largest cities. Hume, whose authority is great in all matters of mere literary experience, says that, “a great city is the only fit residence for a man of letters.” This is true. In the



country, there may be leisure, but there will be a want of impulse for intellectual pursuits. The mind languishes in the midst of a wilderness. "'Tis better," in the development of intellect, "to dwell in the midst of alarms, than reign" in a horrible solitude. The mind without congenial spirits stagnates. "It gathers the rust of decay," as the immortal Chalmers says, "by its mere distance from sympathy and example." See his *Polity of Cities*. It is in the presence of libraries and of literary men, and under the pressure of intense excitement that the human mind ordinarily comes forth in its greatest power. The leading men in all departments of city life are generally from the country; but it is *in* the city they encounter one another, and iron sharpeneth iron. Here they wrestle, they struggle, they grapple, they fall, they rise, and they run together—and side by side, and urged on by the same kind of motives, they aim at the same goal. Here rivalry, excitement and discussion evolves the highest kind of mental discipline, the keenest perception of things, and the loftest sweep of intelligence and mental vision. Here the gravest questions on morals, politics and religion are agitated and discussed, decided upon and settled. Here the highest kind of professional skill is called for under the pressure of the most intense excitement, and the largest reward. In great cities have been made the decisions in law which have settled great national principles, and given stability to the whole of society: the discoveries in medicine which have alleviated the woes of countless myriads; the improvements in art, which have thrown the world forward centuries at a single leap; and the investigations in science and learning, which have gradually changed the whole face of society. Where but in a city flowed forth the eloquence that "shook the arsenal and fulminated over Greece, to Macedon and Artaxerxes' throne?" In cities have been brought forth the wonderful

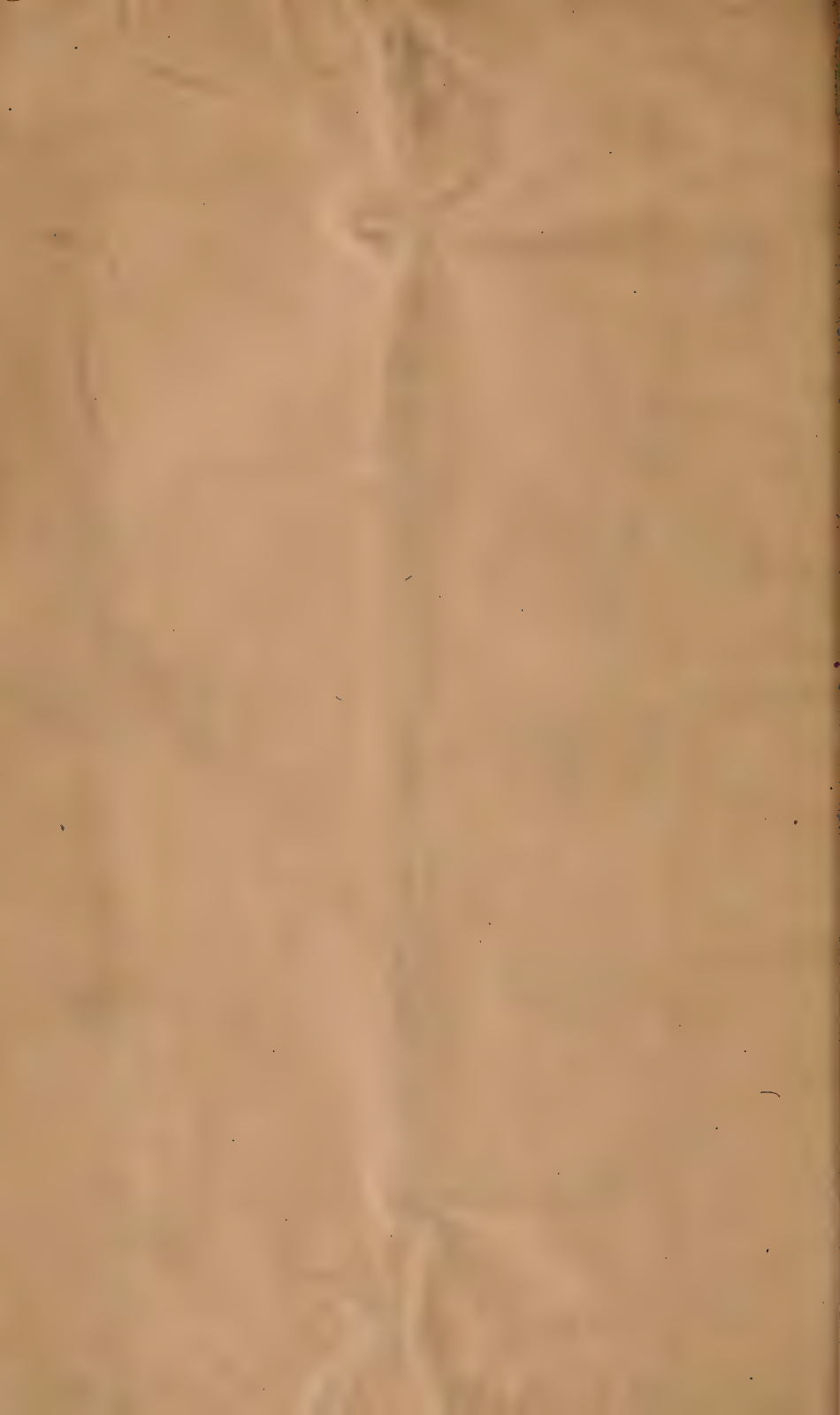
creations of the pencil ; poetry has tuned her loftiest rhythm amid countless throngs of stirring men, and "the waters of Helicon" have gushed forth from paved streets and narrow lanes. Homer sung, Shakspeare invented, and Blackstone reasoned in a city. Socrates and the Son of Mary taught alike in the city and in the desert waste. The influence of Rome was so decided, that when it became Christian, the empire was converted, and when she fell under the weight of her corruption, the empire fell as if smitten with a palsy through every ligament and fibre. Paris is France, and as that city decrees, the nation is a republic or a monarchy. Jerusalem was Judea, and with its subversion, the Jewish polity ceased. The cry of independence first raised in Mechlenbery county, N. C., was responded to by a mighty voice from Boston ; and from the New England metropolis, went forth the strong pulsations that severed the United Colonies from the British crown. The mighty heart of the British Empire is London, the greatest city of ancient or modern times. The government is there ; the wealth is there ; the press is there ; the mind is there ; the hilt of the sword is there. The whole world is under contribution by means of England's commerce supported by her navy, for its wealth, luxury and glory. The whole world feels its every pulsation. The thinkings of the British Cabinet run along the nerves of civilization to the extremities of the globe. If such be the fearful influence of cities upon national destiny, it is a matter of infinite moment that they should be pervaded with sound principles. Our cities must be filled with the waters of life that the whole nation may drink and live. If they become the centres of pollution, their tainted streams will flow forth afar and in every direction ; if by means of corruption and vice, they become the great slaughter houses of our young men, fearful will be the doom that will inevitably overtake the nation. But we read the

future with hope and confidence. The hitherto almost impassable gulf that separated the ignorant from the educated is being bridged. An aggression of light is being made upon the darkness that has hitherto covered the poor. Sympathy is beginning to pour a drop of comfort into the cup of filth and poverty. Now, the poor man sees the fair temple of science open to his children. The darkened mass is beginning to live. A hope of respectability and of rising from suffering to comfort and enjoyment is infused into the mass. The mind of the multitude is beginning to be enlightened and inspired with a taste for the beautiful and the good, and with a desire for cleanliness of person, of clothes and habitation—with a taste for the morning paper, and for flowers, and for the charms of domestic bliss, there is hope for the purification of the heart. There is hope that order and sobriety and industry, will supplant idleness, ignorance and depravity. And as every human soul has a right patent from the Almighty for knowledge, so must the children of the street and of the alley, and of the mountain cove be gathered into our Public and Sabbath Schools. The wealthy and the benevolent must strive together to improve, refine and elevate the public taste by libraries, scientific lectures, and halls of painting and statuary. The million must be baptized into knowledge and chastity. The poor man must be made to feel that respectability and comfort here, and life everlasting are indeed within his reach—that the promise of the gospel of a free education and of unfettered political rights, as well as of his Maker's Bible and of his Maker's grace, is unto him and his children forever.









ADDRESS  
—OF—  
JOHN W. SHAEFFER  
—TO THE—  
CIGAR MAKERS  
—UPON THEIR—  
ARRIVAL IN SAN FRANCISCO.









ADDRESS  
OF  
**John W. Shaeffer**  
TO THE  
CIGAR MAKERS  
OF THE  
**INTERNATIONAL UNION**

On the occasion of their arrival in this city from  
New York, February 12, 1886.

---

**(Issued by authority of the Cigar Makers' International  
Union, No. 228, of San Francisco, Cal.)**

---

MY FRIENDS:—I congratulate you on your safe arrival in San Francisco, and trust that this city will be your future home. You are welcome, thrice welcome to the Golden State! And in extending this welcome to you, I feel that I voice the sentiments of the people of this coast, who hail your coming as the precursor of important changes in our labor market, which, when carried out, will effectually rid us of the CHINESE CURSE.

At the summons of your brethren of the International Union, you left your homes, your kindred and your friends, and crossed the continent to assist those who were already here, to elevate and to firmly plant free white labor on this coast, but more particularly in this State, which might be termed the poor man's paradise were it not for the presence of the Chinese, who have usurped the white man's place in most branches of industry, and who have grown rich, arrogant and defiant, at the expense of our wage-earning

white workingmen. But patience has ceased to be a virtue! Our people are alive to the moral and physical contamination arising from the further toleration and encouragement of the Chinese among us; they will tolerate them no longer. They have risen up in the majesty of their power and they have said: "John! You *must go!* We want you no longer; you have taken the bread from the mouths of our children by preventing us from obtaining work; you have corrupted our youths by your heathenish practices, and by your inveigling them into your houses of prostitution and opium dens. Go! Go home in peace! We will no longer tolerate you. Go! and never return." The fiat has gone forth, and the Chinese must go. And **THEY WILL GO.**

It is but little over a month since that our local Union received an addition to its members of two hundred stalwart and intelligent men, who came to us as the pioneers of the Cigar Maker's International Union of America. They came to assist us in the noble cause we have in hand. They are all at work in our factories, and the Chinese, whose place they have taken, are walking the streets. Already an improved feeling is perceptible in the trade, brought into existence by the infusion of the new blood. The reinforcements your coming provides, will enable you to make a vigorous and a successful fight against the foe. Let the agitation commence in earnest from to-day, and do not let it cease until every Chinese Cigar Maker's place in this city is filled by an International Union Cigar Maker.

Let us consider for a moment, from a pecuniary point of view, the great benefits which would result to the public generally were the movement you are engaged in carried out in its entirety, and show why the people should give it their unqualified support.

As I previously remarked, the first installment of International Union Cigar Makers came here a little over a month ago. They have paid out of their earnings not less than five dollars each for board, and not less than five dollars additional for incidental expenses, thus making an expenditure of ten dollars a week for each man. This gives \$2,000 a week or **\$104,000 a year**, as the amount of money spent by these two hundred men in this city. The same number of Chinese, during the same period, would have conferred absolutely no pecuniary benefit on the public. There are not less than 5,000 Chinese Cigar Makers at work in this city. Let us suppose that

they were supplanted by 4,000 International Union men, and what would be the result? The latter would, in the course of a week, distribute among us the nice little sum of \$40,000, or **\$2,080,000** *in a year*. Then, again, let us inquire what amount of money is circulated among us from the accumulated wages of the 5,000 Chinese Cigar Makers, and we find it next to nothing.

If the amounts I have named could thus be distributed in this city by one industry alone, what, I ask, would be the result if all our other industries were in the hands of white men instead of Chinese?

For twenty years past, at least 5,000 Celestials have been engaged here in the Cigar trade. Their wages, instead of enriching the place where they were earned, were SENT TO CHINA. Had white labor been employed for that period, the total expenditure would have amounted to the enormous sum of **\$52,000,000**, which would have been distributed in this city. Think what a difference it would have made in the wealth and well-being of our city and State! How is it possible that we can be a prosperous community where 150,000 laborers of an alien race, who import the greater part of the food they eat from China, and who remit their wages to their own country, expending next to nothing in this, close the avenues of employment to our children, and compete on unequal terms with our skilled workmen in every branch of business?

Take another view of the question: Let us suppose that instead of the Chinese, white men had filled the ranks of labor from the commencement, and what should we now see? Instead of streets occupied by thousands of Coolies, unclean, unhealthy, and deserted by white inhabitants, we should have found respectable dwellings, tenanted by good citizens. Instead of a migratory population, we should have had by this time many thousand families, who would have added to the development and wealth of the State, and who would have brought a blessing upon it rather than a curse; and finally, instead of seeing our children growing up without a trade, or employment, we should have found ample work for the rising generation.

These are among the possibilities that might, and certainly would have been, by the substitution of white for Chinese labor on this Coast, and it is well for us all to bear them in mind as a groundwork on which to shape future action.

On the arrival of the first International Union Cigar Makers, the Chinese had the arrogance to boast that they would drive them back to their homes in the East, hungry and barefooted ! I ask the people of this great city whether they are prepared to tolerate such a threat ? I ask the consumers of cigars whether they will stand by and allow the possibility of such a consummation ? It is on the consumers of cigars as a body that we depend for support and encouragement. With *them* rests the responsibility; and the solution of the problem involved in the movement we are making, is entirely in their hands. If they resolve to smoke no other cigars than those made by the members of the Cigar Maker's International Union, whose Pacific Coast label pasted on each box by one of your own members, and which bears on its face the factory number which the Government requires us to brand on the bottom of our boxes, is a guarantee against imposition and fraud, and if they religiously Boycott all Chinese made Cigars, then, my word for it, in a few years' time there will not be a Chinese Cigar Maker in San Francisco. We have already introduced the thin edge of the wedge which will expel Chinese labor not only from the manufacture of cigars, but, we trust, eventually, all branches of trade from which white labor is now excluded. Let the battle cry be "Agitation" and "Boycott;" those who are not for us are against us; induce all labor Associations to join with and assist you in this great fight. For my part, I am in to stay. This is my third attempt to drive the Chinese out of the Cigar business, and by the Eternal, I shall stand firm, and determined to conquer, even if I have to go back to the bench in my old age, and make Cigars for a living !

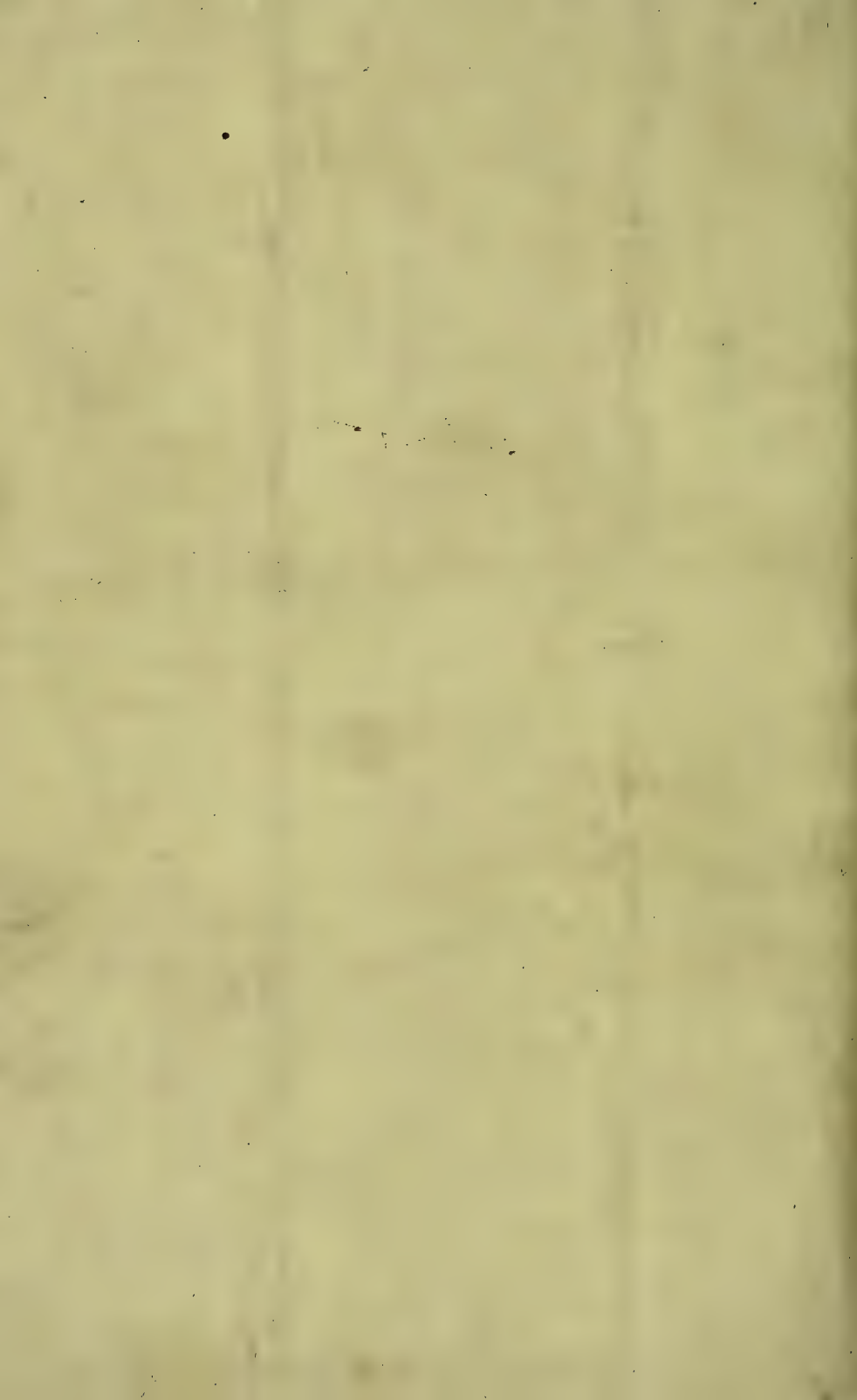
But we shall not fail if we are true to ourselves, and stand shoulder to shoulder. Upon the fight you are now making, my friends, depends the future prosperity of California. It will decide the question whether this is to be a white man's or a Chinese country in the future. We are late in taking action, but not too late to succeed. Having done so, let us hope that the people of this city and State will give your handiwork such substantial encouragement as will crown your efforts with success, and induce other white men to swell your ranks. Thus, you, the pioneers in this peaceful, but practical solution of the Chinese problem, will receive your justly merited reward.











2315 33  
GOVERNMENT LOANS ON REAL ESTATE.

---

S P E E C H

OF

HON. LELAND STANFORD,

OF CALIFORNIA,

IN THE

UNITED STATES SENATE,

MARCH 10, 1890.

---

WASHINGTON, D. C.  
1890.





# GOVERNMENT LOANS ON REAL ESTATE.

---

## S P E E C H

OF

Hon. LELAND STANFORD,

OF CALIFORNIA.

---

In the United States Senate, on Monday, March 10, 1890, Senator Stanford, of California, submitted the following resolution, which was read :

WHEREAS there is a stringency in money and much consequent distress, the energies of the country being depressed, large portions of the farming communities heavily burdened and struggling for relief ; and

WHEREAS the United States Government is alone authorized to make money which shall be a legal tender, whether it be by stamp upon paper, silver, or gold ; and

WHEREAS the value of the three commodities when used as money depends entirely upon the stamp of the Government making it legal tender ; and

WHEREAS it has been found that the money advanced by the Government upon its own bonds to the holders thereof has furnished the best and most acceptable currency, through which to-day in our country most of the exchanges are made ; and

WHEREAS

### THE PRESENT STRINGENCY

is largely due to the retirement of Government bonds which have been so largely the basis of our circulating medium ; and

WHEREAS it is of great consequence to national and individual interests that credit should be established, where merited, as far as is safe and practicable ; and

WHEREAS the Government can do this abundantly, without risk to itself, upon much of the property of the country, as it is now doing upon its own bonds, on which it is paying interest ; and

WHEREAS loans upon a property basis would furnish all the money needed without cost to the Government, and a fair interest paid by the borrower would give to the Government for the use of its credits in bills a large income : Therefore, be it

*Resolved*, That the Committee on Finance be instructed to inquire

#### WHAT RELIEF MAY BE FURNISHED

by the United States Government, and particularly whether loans may not be made by the Government upon mortgages deposited with it upon real estate, independent of improvements, at such rate and to such an amount only as will make the security to the Government perfect, the Government to receive some small rate of interest, from 1 to 2 per cent., ample compensation for the use of its credit, and to prevent the undue applications for loans beyond the needs of the country. And the Government, as further restraint and provision against an overissue (if such a thing be possible upon perfect security, where the interest is very slight), shall provide to call in a percentage of its loans from time to time, upon reasonable notice as it may deem necessary, at its own discretion, for the welfare of the nation.

Mr. STANFORD then said : I expect to be absent for a few days, and I should like to have the unanimous consent of the Senate to submit a few remarks to accompany the resolution.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to submit observations to accompany the resolution just offered. The Chair hears no objection, and the Senator from California will proceed.

Mr. STANFORD. Mr. President, from the earliest civilization there has existed in all countries

#### A NEED OF SOME COMMODITY

that will stand as the representative of values through which exchanges can be made without the commodities themselves being passed from hand to hand.

In process of time gold and silver came into use for this purpose of equalizing exchange, and to-day, when stamped by responsible governments, these metals have a value as money far beyond any possible value they might have were they only used in the arts. But it is obvious that their value as legal tender depends as much on the Government stamp as does the paper which is stamped by the Government and made legal tender. Money becomes valuable as it stimulates industry and facilitates the exchange of the products of man's labor. Property itself is valuable according to the uses to which it is applied. Thus, supposing a man's wages were a dollar a day, \$100 would employ one hundred men one day; but could the product of the labor of those hundred men be immediately utilized, the \$100 might give employment to a hundred men every workday in the year.

The Government bond is valuable to the holder on account of the interest it earns. As an energetic factor in the transactions of men it only amounts to

#### THE PERCENTAGE WHICH IT DRAWS,

but when the bondholder by depositing it with the Government receives back 90 per cent. in Government bills, 90 per cent. of its value becomes energized into an active commodity, giving possible employment to the energies of the country. In like manner, if the farmer were able to borrow from the Government without interest a certain amount

of its bills, giving his farm as security therefor, to that extent his land would become an active force, and he would be enabled, while giving employment to the extent of the money loaned him, to improve his farm and increase its value to the full amount of the loan. Thus, the Government loan would be doing a double duty. Now, the activities of this money do not terminate with its expenditure by the farmer; those who have received it in their turn will make use of it as an energizing factor in the forces of life to an indefinite period. As money employs labor it brings to life a continuing force, labor begetting labor as certainly as its fruits are valuable. Another way by which we can appreciate what

#### MONEY ACTIVELY USED

may perform in the settlement of balances is to be found in the value of commodities produced and exchanged compared with the amount of money in circulation.

I may here make use of the familiar illustration of a dollar going the round among twenty men, each of whom owed a dollar to his neighbor, paying twenty dollars of debts and returning to the pocket from which it started. This is a small illustration, and would be equally illustrative for a greater number of men and a greater amount of debts.

How far the boundless resources of our country shall be put into activity depends not only upon the active industry of our people, but upon the power necessary to induce that industry, and it should be the fostering care of the Government to see that such industry receives every encouragement.

An abundant supply of money means to individuals of capacity a field for the use of their abilities in prosecuting their various callings of life, and will be particularly valuable to associations of individuals by affording them facilities for obtaining capital for the transaction of every kind of business.

## AN ABUNDANCE OF MONEY

means universal activity, bringing in its train all the blessings that belong to a constantly employed, industrious, intelligent people.

If these proposed loans could be made by the Government without risk, I do not think that there would be any serious obstacle in the way of the accomplishment of the object of this resolution. In my opinion ample protection would be afforded the Government if it limited its loan to one-half or one-quarter the assessed value of the property given as security, and upon the appraisement of Government officers especially selected for that duty.

Abundant and cheap money places the power in the hands of the industrious, and enables combination of labor that would produce ample competition and prevent anything like

## AN OPPRESSIVE MONOPOLY.

This, combination has always done when not accompanied by any special privileges. Cheap and abundant money means co-operation of labor to an extent heretofore unknown, and with all its consequent advantages. Its abundant supply and possible activities would be one of the great means of employing labor and controlling and utilizing forces at man's disposal, and would go far towards aiding his intelligence towards realizing his highest destiny.

It seems to me that the great thought of humanity should be how to advantage the great multitude of toilers, increase their power of production, and elevate their condition. We know that a great improvement is within the provisions of Providence, and in the prosperity of the masses of the people the prosperity of all is assured.

Man is the rightful heir to peace and prosperity, and very much depends upon the intelligence of governments to rep-



resent the associated capacities and interests of the whole. To me, one of the most effective means of placing at man's disposal the force inherent in the value of property is through furnishing a bountiful supply of money based upon unquestioned and secure values.

The resolution was referred to the Committee on Finance for its consideration and report.

# THE GOVERNMENT'S DUTY TO FURNISH MONEY ON PROPER SECURITY.

---

## THE FREE COINAGE OF SILVER.

---

(EDITORIAL CORRESPONDENCE SAN FRANCISCO ARGONAUT.)

Intent upon the object of proselyting with the members of Congress in the direction of the free and unlimited coinage of silver, I approached our senior Senator to ascertain his views. To my surprise, I ascertained that Senator Stanford not only favored the free coinage of silver, but he left the impression on my mind that he entertained still more generous and comprehensive opinions in reference to increasing the circulating currency of the country.

Senator Stanford said that it was the duty of Government to issue currency upon the value of real property, or to authorize the establishment of national banks with power to put legal tender notes in circulation upon such security, which should be guaranteed in their redemption by the Treasury of the United States—and why not? He says if a national bank purchases bonds issued by the General Government, and, to the extent of ninety cents on the dollar, is authorized to put notes in circulation as currency, of which the General Government guarantees the payment; if bullion from the gold mines may be taken to the mint and have its value fixed by the impression of a die; if silver bullion may be accorded free coinage because of its standard and fineness, why may not a farm or a town property of established, fixed, and certain value be used as the basis of a sound and healthful currency?

"I can see no reason," he says "why land or town property, having attained a permanent value as indicated by the assessor's estimate, or ascertained by impartial valutors, might not be used as currency with as much confidence as the paper obligations of Government or as the metals produced from mines.

"I have seen the financial world twice driven from its propriety by the fear lest the excessive production of metals should prove valueless for use as money. When the immense output of gold from the placers of California and Australia reached their maximum, the financial world underwent a panic, lest gold should become too plentiful for safety, and when the large discoveries of silver in Nevada began to be felt, the same alarm pervaded financial

circles, lest the white metal should become too plentiful for any other use than in the arts. The best money is that based upon the wealth of the nation and the prosperity and honor of all its people. Currency that has for its security the real property of the country is more surely guaranteed than by bullion produced from the mines and stamped at the national mints. The country owns no mines, and who shall say that the time is distant when private ownership shall hold in trusts all the mines and be entitled to all the royalties? And of what value will be the Constitutional provision that gives Government the right to coin money, if it has neither gold nor silver to coin and stamp?

"To coin and issue money for circulation is not the most important function of government. When it is considered that the Congress of the United States, the legislatures of the several States, and the municipal bodies of incorporated cities are armed with the power of taxation and individual assessors clothed with the right of valuation, for purposes of taxation, and that for the non-payment of taxes the tax-collector may sell, without judicial investigation or decree of a court, without reservation of the rights of minors, absent persons, or persons of unsound mind, how much less significant seems the power to coin money and control its volume of circulation.

"When it shall be understood that money is to be issued by Government for the benefit of the great class of producers who demand it for industrial purposes, and that it is not created for the benefit of usurers to sweat it, and of gamblers to risk it, and of misers to hoard it, of millionaires to accumulate, and spendthrifts to distribute it in the gratification of their luxurious tastes, then some of the errors which now pervade the whole financial system will have been dissipated, and the uses of money will be much better understood. Then the Congress of the United States will not look to Wall street and national bankers, successful money-kings, and successful plutocrats alone for their advice as to what kind of money should be used or what volume should be put forth. When this reformation shall take place, then some successful manufacturer or merchant, some intelligent mechanic, some broad-minded business man, some planter, farmer, fruit-grower, or laborer, may be invited to hold the portfolio of Treasurer, or, better than that, some wise economist who understands and appreciates financial laws in their broader comprehension, may be asked to preside at the head of a Department and give an annual report, which states all the facts, and not suppress or misrepresent any economic truth in the interest of the money class.

"There are two distinct classes in this Government, and the division lines that mark them grow more well defined each revolving decade. They are the debtor and creditor class, the borrowers and the lenders. On the upper side of this dividing line there is intelligence, wise and prudent calculations, immense deal of good luck, industry, and patient waiting, economy and self-denial, moral virtues of the kind that worship both God and mammon. On the other and lower side an industrial, producing multitude of toilers, who, from adverse fate, hard luck, exacting appetites, cross-roads that lead to perplexing labyrinths where men are lost, ill-health, marriages not prudent and

attended with large families, engaging in legitimate employment industriously pursued, sometimes leading to disastrous results. The farm industriously tilled finds itself mortgaged to the usurer; mechanical employment, intelligently and faithfully pursued, leads oftentimes through toil to bankruptcy and ruin.

"A civil war imposes three thousand millions of dollars of burdens upon the North and visits three thousand millions of dollars of calamities upon the South, to increase the population below the line and gives the class above it a profit of three thousand millions of dollars to swell its fortunes.

"It was a wise provision of the patriarchal period that the recurring jubilee should afford the debtor class an alleviation of its more insupportable burdens, and it would be well if in an hurried race through the higher civilization of modern centuries there was at least once in a hundred years a resting-place where tired humanity could regain its spent forces and have a new start in the race of life."

In conversation with Senator Stanford, I did not fail to urge all objections which suggested themselves to my mind in opposition to the working of his beneficent money plan. Of course I was not unmindful of the great bugbear of inflation, which is so distressing a possibility to the men of plethoric money-bags. His reply was:

"I have never observed any calamity resulting from the circulation of too much money; I have known of no locality or era when there was too great activity among the producing classes. I never knew or read of any country where there were too many houses in process of erection, or too plentiful raiment, or too abundant food, nor where transportation of products were too cheap and rapid. I do not recognize high prices of labor as leading to disastrous results anywhere. In those countries under conditions in which labor is inadequately compensated, countries of redundant populations where money is scarce and industrial activities are not remunerative, I have heard of poverty and distress, but where activities are pressing in the direction of productive industries, where money is plenty and labor well repaid, I recall no distress not arising from accidental causes, and I presume no one would question the fact that the system of finance suggested would not excite to abnormal activity all industrial employments.

"Money is a force. It is the force that underlies our civilization and pushes it to the greatest possible activity. Money impels the merchant to his most venturesome daring, the mechanic to exploiting his most inventive genius, the scientist to the most exhaustive research, the artist to the most earnest and patient endeavors, and the toiler in every direction to the accomplishment of the most earnest efforts for success. The power of money and the hope of its attainment is the incentive to nearly all humanity's most earnest and most honorable exertions, and I presume no one will question the fact that cheap, safe, and abundant money will contribute largely to the industrious activities of the country, and whatever other result may be accomplished, that the debtor class would be largely and permanently benefited.

"That a currency based upon real estate values under limited estimates would increase activities in all industrial employments, I have no manner of doubt; nor do I think such a volume of currency, properly limited by legislative restriction, would recall the days of George Law, reproduce the Mississippi bubble, or the Dutch Tulip speculation. Why should the man who has mortgaged for one-half or one-quarter its value the accumulations of his life, be more careless in the expenditure of his resources than he would if he had hypothecated his property under an interest-bearing mortgage to a usurer for coin, the interest upon which he must pay whether he uses the money or not? The national currency I would thus provide should bear no interest, and should the borrower retain it in his hands unused, it would be ready for return to the National Treasury whenever called for. If, without bearing interest, this currency could be used for the retiring of an interest-bearing mortgage, it would serve a useful purpose, nor would it operate as a hardship to the payee, because he could use lawful money in the thousand active employments which the money-lender knows so well how to avail himself.

"Such an issue of national currency to the extent of limited millions, properly distributed, would have for its first effect a quieting of all apprehensions of panic or financial disasters that are sometimes more hard to bear and more ruinous in their consequences than the resulting calamities. There would be no financial panic possible and all disastrous probabilities be made avoidable. Business activity would have breathed into them new life. The danger of money panics locks gold and silver, in coin or bullion, in the vaults of the banker and money-lender, and while gold and silver coin is unusable it is valueless—no man is rich and no community prosperous with hoarded gold. Money, like any other property, is worthless until actively employed. The unused axe at the foot of the tree is but a shining blade of worthless steel till swung by the strong arm of labor. The plow, rusting by the unturned furrow, gives no promise of grain until driven. A mountain of gold might glitter in the sun's rays valueless, useless, and unemployable till, at its base, the toiler swings his pick, plunges his drill, and explodes his blasting sulphur.

"Wealth is timid, and in the presence of danger hides; labor is always courageous, works with cheery zeal when well paid. Labor is never dangerous except when desperate. Labor seldom riots when well fed, well housed, well clothed, and well educated. God, in his beneficence, has provided everything that is essential for the happiness of all mankind. The beneficence of nature denies none of the comforts of luxuries that the human family may require, and all that man does require is dependent upon labor. The gem lies worthless in the mine till dragged forth by discovery, and does not disclose its beauties till the lapidary expends upon it his labor. The finest lace that covers the fairest form comes from unbroken flax through the hatchel, the spindle, and the dexterous manipulation of skilful fingers. The mausoleum that hides Napoleon in his tomb, the sarcophagus where it is deposited, are worthless slabs of porphyry and granite till subjected to the labor of



the chisel and the architect. Neither bread, nor meat, nor wine, nor raiment come without intelligent and well-directed toil. Without education, the heavenly bodies revolve in abounding and mysterious terrors, agriculture folds its arms and sleeps in idle ignorance upon the bosom of mother earth, whose breasts are throbbing with plenty. Barbarism never wakes to civilization, order never succeeds to chaos, and safety never comes to the human race till intelligence is in the process of complete development. Through paths of intelligent industry the beneficence of Providence is only attainable.

"Our Government and our civilization make labor work in gyves and manacles unless fully and generously paid. It is the duty of the Congress of the United States to furnish its citizens with money when they shall furnish the security for its issue that the Government can safely guarantee. The Constitution of the United States clothes its Congress with this power, it concedes it to no one else, and it should be exercised for the fullest benefit of the industrious, temperate, economical, working class, for farmers, mechanics, and manufacturing producers.

"I am not unmindful of the fact that there is distress and discontent abroad in the most promising and prosperous of all civilized countries; that willing laborers are sometimes unemployed; that mechanical, manufacturing, and mining industries, corporations, and great capitalists are driven, from unavoidable necessities, to withhold employment, when employment is essential to the laboring community. I am advised that farms are largely mortgaged; that in Kentucky old estates are being sold for taxes; that incumbrances are especially numerous and burdensome in the State of Iowa; that in New England old homes are passing away from families that inherited them; that in many parts there exists financial embarrassments that are the causes of serious anxiety to the cotton-growers, and that wheat producing of our great West and Northwest is not in as satisfactory a condition as the advance in agricultural machinery and improved methods would seem to justify. I hear of labor agitation, unrest, and disquietude in directions where I cannot presume that they exist without cause, or result from other than extreme necessities, and if the system of finance shall produce even temporary relief from existing disquietudes and the alleviation of existing distress, I shall hope that period may be made available for the discovery of legitimate means of permanent relief.

"I have great confidence in the future of this country, and abiding faith in the intelligence that is coming from our free common schools. I believe that education properly distributed to all classes of our fellow-citizens, to the children of native birth and foreign immigration, to the descendants of the white and black race, will work out ultimately the most beneficial results to all the citizens of this commonwealth.

"It is from this direction that I look for the dawning light which shall encircle our country with a halo of inextinguishable glory. Common sense, resulting from education, will insure to every child born upon our soil the inheritance and protection of equal rights and the operation of equal laws for their preservation and maintenance. I am myself a workingman; my

interests run in common with labor. I was born to the inheritance of industrial pursuits. My sympathies are with the class from which I came, and if I have friends, as I hope I have, in New York or London, in Wall or Threadneedle or Lombard streets, or associates among the great bankers or men of large affairs, I trust I have not lost touch with the class from which I came, nor sympathy for those who own the lands and are engaged in their cultivation, nor for the larger community of toilers whose burdens are only relievable by honorable and well-paid labor."





615 34.  
IRRIGATION OF ARID LANDS.

---

REMARKS

OF

HON. WILLIAM VANDEVER,

OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

FRIDAY, JUNE 13, 1890.

---

WASHINGTON.  
1890.





## Irrigation of Arid Lands.

### REMARKS

OF

HON. WILLIAM VANDEVER,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

*Friday, June 13, 1890.*

The House being in Committee of the Whole, and having under consideration the bill (H. R. 1084) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes—

Mr. VANDEVER said:

Mr. CHAIRMAN: A large proportion of the agriculture of the globe at the present day, estimated at two-thirds, is dependent upon artificial irrigation, wholly or in part, for its success, and not upon the uncertainties of rainfall. Cropping under rainfall alone is subject to contingencies that to a great extent are obviated by irrigation. To be able to withhold or supply water to his fields at will and to adapt the quantity to each particular product is a great advantage that the irrigator possesses over the non-irrigator, even in countries where in ordinary seasons the fruits of the soil may be produced by rainfall alone.

India, China, Egypt, France, Spain, Italy, Australia, Chili, and Peru are countries where irrigation is now, and has been for many centuries, relied upon as the chief aid to agriculture. But we need not go to the far-off countries for illustrations of the benefits of irrigation; we have them in our own country.

Mountains attract and intercept the clouds, causing them to discharge their precious burden of rain and snow, to be held in reserve and shed forth under the genial warmth of advancing spring when needed for the use of the husbandman on the plains below, whose fields are seldom reached by rain direct from the clouds. The ingenuity and skill of man, however, is required to constrain and direct the water storage of the mountain, and so control its descent and distribution that every part of the thirsty land may be refreshed. The floods thus gathered from distant sources and dispersed over the land come not only with refreshing moisture but bear also a wealth of material dissolved from the rocks and soil of the mountain that strengthens and invigorates the soil of the plain when brought in contact with it, saving the tiller the necessity of replenishing his land by other means.

When the benefits of irrigation come to be adequately apprehended, it will doubtless be applied with beneficial results in regions where there is no deficiency of rainfall. Rain being free from mineral substances adds nothing beyond moisture to the land. Mountain water

fertilizes wherever it goes. Tens of thousands of acres in the district that I represent have been reclaimed within recent years from desert waste to fertility. Land that ten to fifteen years ago was regarded as comparatively worthless on account of its arid character, resulting from deficiency of rainfall, is to-day in a high state of cultivation through the distribution of water upon it from neighboring sources, reclaimed land in many instances commanding \$1,000 per acre in tracts of from 10 to 40 acres.

The vine, the olive, the orange, and other products and fruits, as well as grains and grasses, stimulated by irrigation, are produced in such abundance that families are enabled to live in comfort and even affluence from the culture of small tracts.

Arid lands have been defined to be those whereon the annual mean rainfall in ordinary seasons is insufficient for the production of crops without artificial aid. Even in regions where the mean rainfall is ordinarily sufficient irrigation will stimulate to far greater and more certain production.

Irrigation puts the floods and the rains under the husbandman's control and insures him against drought. The water accumulated in the mountains from winter rains and snows, being stored and retained, is drawn down to the fields as needed, and is restrained when not needed. It is shown by experience that irrigated land produces with more certainty and in greater abundance than non-irrigated land, even where the mean annual rainfall is sufficient to produce crops. Irrigation not only reclaims the land from an arid state, but constantly replenishes it. It is generally accounted that 40 acres of irrigated land is more valuable than 160 acres of non-irrigated land under fair average rainfall. Major Powell states that two-fifths of the total area of the United States, excluding Alaska, requires irrigation to reclaim it from barrenness and sterility. We may see from the results of associated and individual enterprise in parts of Southern California that water will transform desert wastes into fruitful fields, and that rainless regions hitherto marked upon our maps and regarded as desert can be reclaimed and made desirable abodes for prosperous millions.

Reclamation and cultivation of arid land by irrigation is no new discovery; it is as old as human society. From the very beginnings of history the highest and most beneficial achievements of engineering, skill, and enterprise have been employed in the construction of systems of irrigation to reclaim desert or semi-desert portions of the earth's surface, as necessary for the sustenance of the people and the preservation of the state. Visible tokens of this remain until this day in the valleys of the Nile and the Euphrates as mementoes of the bold designs and successful accomplishments under ancient monarchies of the East. Traces of the stupendous storage reservoirs they caused to be constructed and of the canals they excavated excite the admiration of the modern beholder and show that the wealth and power of these great empires were drawn from the bosom of the earth through the stimulating process of irrigation under the fostering care of the state.

The immediate measure under consideration is an appropriation for the survey and selection of reservoir sites for the storage of the storm waters of the mountains and along the streams flowing therefrom, and to reserve these waters for use when needed by the agriculturist in the valleys and plains below. What may be done in regard to the application and distribution of the water is for future consideration. If the sites for reservoirs in the mountains and at the sources of the streams

are left to be appropriated by companies or individuals commanding great aggregations of capital, the agricultural interests of the country may be rendered more than ever before subject to the control of capitalists who, owning the supplies of water, can exact their own terms for its use, and may ultimately come to own all the land they irrigate.

Most of the desirable agricultural land of the public domain has been sold, granted, or given away by the Government. The demand for more land increases rather than diminishes. This demand is not by the speculator, but by the people desirous of homes. To meet this demand in a measure, it is proposed to expend millions in the extinguishment of Indian titles, that new realms may be opened to settlement by white men and new States and commonwealths established to enhance the glory and add to the wealth and power of the nation. When the last available acre has been wrested from the occupancy or claim of the Indian, the demand for more land will still remain unsatisfied. The only other resource for satisfying this demand is the arid wastes of the far West, now tenantless because rainless, but capable of reclamation and to be made habitable through irrigation by water now running to waste.

How far the Government may exert its power in gathering and reserving water for the reclamation of lands it holds in trust for the people is a question that Congress must ultimately consider and determine. One cubic foot of water per second, it is asserted, will irrigate 160 acres of land. How much water the mountains and streams flowing therefrom hold in reserve can only be approximately estimated. All combined, we know that they are sufficient for the reclamation of very large areas of what is now and must forever remain desert, unless fertilized by irrigation.

Major Powell, of world-wide reputation as learned in geological science, and who is also regarded as an authority on irrigation, states that more than 100,000,000 acres of the public domain west of the one-hundredth meridian is incapable of cultivation unless irrigated by artificial means, and he estimates the cost of irrigating these lands at \$10 per acre. These figures seem appalling—\$1,000,000,000 for irrigation. It must be recollected, however, that the Government is not expected to assume this burden nor to provide the means for this enterprise, as it did for the building of the Pacific railways. It may prepare the way with a view to the ultimate transfer of the whole enterprise to States hereafter to be formed in the arid region.

If at the outset of the plan of appropriating money from the public Treasury to improve rivers and harbors and of appropriating money and land in aid of railroads and other public improvements the aggregate expenditure to the present time could have been estimated and stated, these enterprises would probably never have been undertaken.

In California, especially in the southern half of the State, irrigation is felt to be a vital question. In the Los Angeles land district, composed of San Diego, San Bernardino, Los Angeles, Kern, and Ventura (with parts of Santa Barbara Counties) there is comprised 13,156,000 acres of land subject to entry under the desert-land act, which will not, without artificial irrigation, produce agricultural crops in ordinary years. More than half the land in this district is of this character.

The register of the United States land office at Los Angeles reports the fact that seven hundred and sixty-eight persons have made desert-land entries at his office, comprising 333,181 acres, and made the first payment thereon of 25 cents per acre, required under the law, but only

twenty-three of these seven hundred and sixty-eight persons have proved up, the others finding it impracticable to reclaim the land on account of limited means and the prior appropriation by other parties of the only accessible water. These entrymen, therefore, except twenty-three, abandoned their entries and the Government keeps both the land and their money.

I represent a district in which there are contained, as above stated, over 13,000,000 acres of arid land, located in the Mojave and Colorado deserts and in Antelope Valley, incapable of cultivation except by aid of irrigation, and possessing a most salubrious climate. Mountain chains overlook these arid plains, whose summits attract the clouds and pierce the region of perpetual snow. Their glistening snow-crests viewed from the plains below refresh us with the promise of abundant harvests if only the accumulated stores of moisture they hold congealed can be drawn down and distributed to the famished plains at their base.

Much has been accomplished without Government aid through private enterprise. It is safe to say that nowhere in this broad land has irrigation been more successfully practiced and with better results than in Southern California. It is no experiment there; it is accomplished fact. Hundreds of miles of canals and ditches are to be seen in this region conveying water to fields that a few years ago were desert and barren but are now marvelously fertile, furnishing wealth and comfort to the prosperous occupants. Dams and reservoirs constructed in mountain basins confine many billions of gallons of water, secured by the highest engineering skill and at great cost of money. It is no exaggeration to say that the irrigating enterprises in San Bernardino, San Diego, and other counties in Southern California are monuments of skill and enterprise that the country may well be proud of, and that can be referred to as absolute demonstrations of the efficacy of irrigation.

The mean annual rainfall on the Pacific coast, though seeming to be abundant in the north, diminishes rapidly as you progress south. At Portland, Oregon, the annual rainfall exceeds 50 inches; at San Francisco about half this amount, and at San Diego it is less than 10 inches.

The precipitation of rain occurs mostly in the months of December, January, and February. The rest of the year little or no rainfall reaches the plains. Winter is therefore the rainy season, but the temperature is mild except in the mountains, where the rain is converted into snow.

The winter rains of California are not continuous. They occur from time to time, with intervening days of lovely weather favorable for plowing and planting. Not infrequently, however, there come furious down-pours of no long duration, but enough to swell the streams into raging torrents and to convert previously dry beds leading down from the mountains into veritable rivers for a short time only.

This marked division of the year between wet and dry periods, and liability to sudden floods from storms raging in the mountains, is common throughout the arid regions of the West. In all countries where the rain and snow fall is abundant in the mountains, but not sufficient on the plains for the production of crops in ordinary years, irrigation by artificial methods becomes a necessity.

In Fresno and all the counties of California south of it very extensive systems for the distribution of water to fertilize land rendered

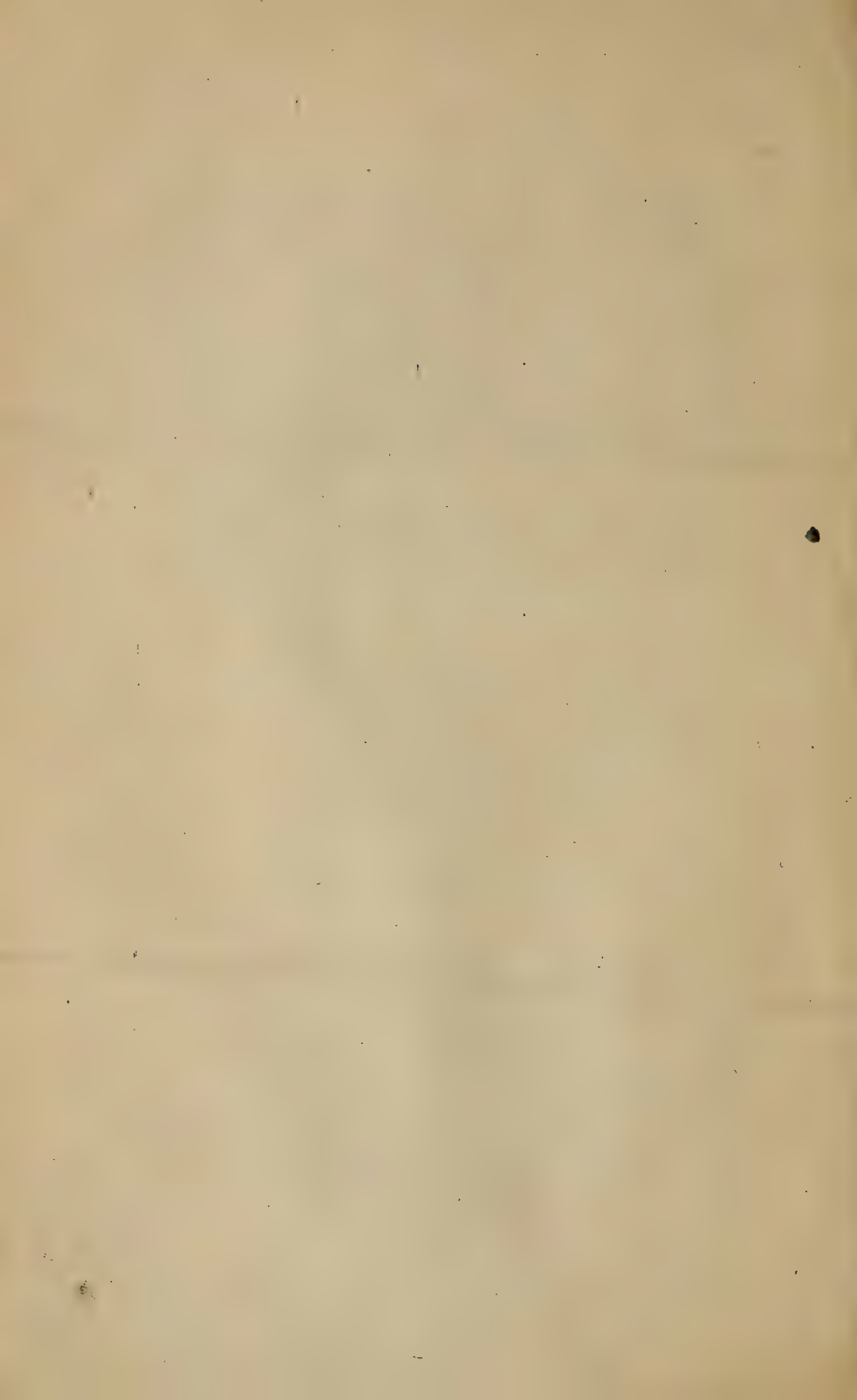


arid by deficiency of rainfall have been introduced. The results achieved exceed the most sanguine expectations of the projectors. In Kern County several hundred thousand acres have been rescued from sterility and made marvelously fruitful by one firm alone, who have diverted the waters of Kern River from its natural flow to irrigate land heretofore desert. The expenditures in this enterprise amount to a million of dollars. Land thus reclaimed and rendered arable commands one, two, and three hundred dollars per acre, the cost of reclamation ranging from ten to fifteen dollars per acre.

In Los Angeles, San Bernardino, and San Diego Counties land and water companies have expended enormous sums in the construction of dams, flumes, canals, and ditches to collect, store, and conduct water that in a few years has changed large tracts of country from desert into smiling fields, enabling many families to live in comfort from the products of small farms. This is no exaggeration, as some on this floor who have been there can testify.

What has been accomplished in California is being also accomplished in the Dakotas, in Montana, in Wyoming, in Idaho, and throughout every portion of the country west of the one hundredth meridian. The object of the proposed legislation of the present session is to invoke the co-operation of the Government in aid of this grand enterprise that in the very nature of the case must inure to the welfare of Government and people alike.

VAN



"A PRINCE AND A GREAT MAN IS FALLEN."

FUNERAL ADDRESS,

On the occasion of the Funeral Obsequies

IN MEMORY OF

ABRAHAM LINCOLN,

Late President of the United States.

---

DELIVERED

At Placerville, Cal., April 19th, 1865, by

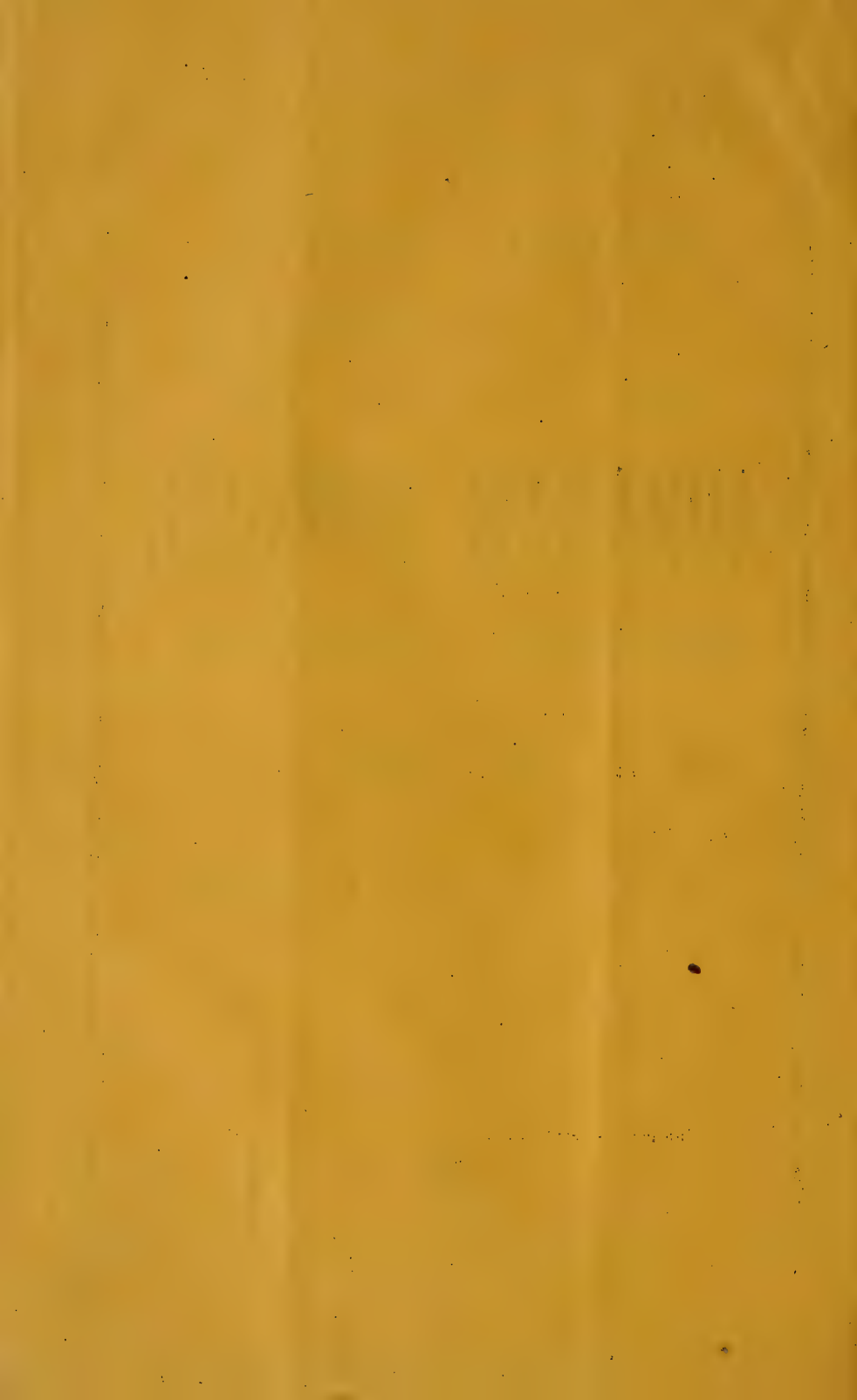
REV. C. C. WALLACE.

---

PLACERVILLE:

PRINTED AT THE OFFICE OF THE TRI-WEEKLY NEWS.

1865.



PLACERVILLE, April 20th, 1865.

REV. C. C. WALLACE, *Pastor of the Presbyterian Church,*

DEAR SIR: — It is the desire of many of those who listened to your late discourse—delivered in this City on the day of the obsequies of our late beloved President, that it should be published in proper form for distribution. In furtherance of this wish we respectfully request, if compatible with your wishes, your consent thereto. In conclusion, very respectfully,

Yours, &c.,

F. A. Bee,	John F. Pinkham,	Calvin Edgerton,
Ogden Squires,	Wm. Jones,	D. J. White,
T. F. Tracy,	J. W. Cullen,	W. H. Rogers,
Jas. B. Hume,	J. M. Reynolds,	G. W. Swan,
	R. B. McBride, and others.	

---

To F. A. Bee, John F. Pinkham, Calvin Edgerton, and others: —

GENTLEMEN: — In compliance with your request, I herewith enclose the Address to which you allude. Deeply sensible of its imperfections, as it was hastily prepared, at a few hours' notice, to meet the requirements of so unexpected and mournful an occasion; yet I defer to your judgment. It is but a feeble tribute to one who is embalmed in the nation's heart, and whom coming generations will delight to honor. I remain,

Yours truly, CHAS. C. WALLACE.

PLACERVILLE, CAL., April 21, 1865.



# FUNERAL ADDRESS.

---

"Know ye not that there is a prince and a great man fallen this day in Israel."—2d Samuel, III. xxxviii.

An unexpected calamity has befallen our nation. A terrible shock has been felt throughout the land, at which we stand aghast, and know not whither to turn, nor what to say. We seem to each other as those that dream, and as the reality is forced upon us, a burden of grief weighs us down. Never since the illustrious Father of our Country fell asleep, has this nation been clothed in the sadness that to-day enshrouds it. Can it be possible? Is our faithful and honored Chief Magistrate no more? Was he indeed in the midst of his vast and eminently successful labors for our country's good, struck down by an assassin's hand? While yet in the prime of his days, possessing health and vigor, has his life been taken? And must we indeed face the stern reality, that he sleeps in death. We cannot be allowed to doubt the terrible fact.

Were there room for disbelief, how eagerly would we fasten upon it. Or could we restore the lifeless to life again, how quickly would we recall the spirit to the inanimate clay. But this is not within our power. For wise reasons God in his inscrutable Providence has allowed the assassin to complete his work, and *Abraham Lincoln* is no more. The foul hand of treason which has been aiming its bullets for months past at our national life, which has brought to untimely graves our noblest sons and brothers, has at length, by cowardly and stealthy step approached the Capitol of the Nation, and

sought by foul treachery, to strike down the leaders from their places of trust. By the interposition of Providence, the terrible plot in a measure failed, but not till one who has long been prominent and honored among us, was assaulted on his sick couch, and left for dead, and he who of all others, we could least spare, was murdered in cold blood. Our Chief Executive was pierced through the temple by a ball which came at an unexpected moment from an assassin's hand, and after lingering for a few hours in unconsciousness, he fell asleep to wake no more until the resurrection morn. Would for our sakes this had been otherwise; but sudden, severe and terrible as is the stroke it has been permitted.

We are assembled to-day to express our grief and dwell upon the memory of our illustrious dead. And I ask is there a good man in the country, yea more, in the civilized world, who will not mingle their sympathies with ours at this time, and is there a bad man who is not compelled to respect, if too insensible to partake our sorrow.

And how shall we find expression to our thoughts! Could we pause and in silence commune with our own hearts, it would seem most fitting. As was remarked by one of commanding eloquence on another occasion of National sorrow—no less than the death of the first President of these United States, so we are ready to exclaim at this time: "The Offices of this day belong less to eloquence than to grief.

We celebrate one of those great events which by uniting public calamity with private affliction, create in every bosom, a response to the throes of an Empire. God, who doeth wonders,—whose ways must be adored but not questioned, in severing from the embraces of the Nation our first-beloved patriot, has imposed on her the duty of blending impassioned feeling with profound and un murmuring submission.—An assembled Nation lamenting a Father in their departed Chief, absorbing every inferior consideration in the sentiment of their common loss, mingling their recollections and their anticipations, their wishes, their regrets, their sympathies and their tears, is a spectacle not more tender than awful—excites emotions too mighty for utterance. I should have no right to complain, if instead of indulging me with your attention, you should command me to retire and leave you to weep in the silence of woe:” but as well as we can give utterance to our feelings on an occasion like this, we proceed to the task to which this day is devoted.

In the great exigencies of human history, when great principles have been in conflict, or Nations have been struggling for existence, men have been raised up by God, to accomplish a special mission, and, who in consequence of their high endowments and accomplishments shine out conspicuous in the annals of the world. Abraham Lincoln was ordained of Heaven to live at this time, and for four years to hold the helm of Government in the midst of a civil convulsion, such as no other Nation has ever experienced and which doubtless no other could have survived. He was born into the world and was led by the hand of Providence to the position he was called to fill, and while we mourn his untimely and sad end; still his work is done and he has gone to his final reward; Moses and Gideon, Cromwell and Washington were no more raised up for their special and important work, than was he whose loss we to-day so deeply mourn.

There was nothing in his earlier life which specially gave the promise that he was to be a Nation's pride and stay. His early advantages were few. He was faithful in all the stations he was called to fill, but who could have imagined that the pioneer boy, building log-cabins and making fences, or boating on the Mississippi, was to become the great liberator of the oppressed, and pilot the Ship of State over the breakers of disunion and armed rebellion.—He was however a child of prayer, and the sterling principles which made that impress on his life, were carefully instilled into him through the instructions of a pious mother. It was her inculcations of the moral law in his early youth, as he has himself since declared, which gave him that purity and honesty of character for which he was so eminent, and if an “honest man,” as one remarks, “is the noblest work of God,” he is worthy of this pre-eminence. Through his own self-exertions he rose from obscurity and steadily ascended to the loftiest station of trust and honor. So far from seeking or expecting place or position, he always shrank from the same, until he was convinced his services were imperatively desired, when he yielded his own feelings to the wishes of others, and accepted reluctantly the post to which providence seemed to point him; but whether as a Clerk or Postmaster or Militia Captain or Surveyor or Lawyer or Legislator, he endeavored to fill the place assigned him, with conscientious faithfulness, and with all the ability of which he was possessed.

At that dark period of our political history, when the hearts of men were failing them for fear, and the country was drifting to anarchy, with apparently none to stand in the breach, unexpectedly to himself, unexpectedly to the convention which proposed him, and unexpectedly to the nation, he was set forth as the standard bearer of a great and growing body of this people, and in due time was declared by the constituted authorities to be the duly elected President of these United

States. The hand of God was clearly visible in his exaltation. Other men who had been prominent and distinguished were passed by, and the lot, as if by a direct interposition rested on him, for he alone of them all was set for the rising again of this nation.

Under a sense of his high responsibilities and from time to time, invoking the prayers and aid of the masses, whose servant he believed himself to be, he has fulfilled his trust to the admiration and satisfaction of his countrymen, having a second time received the endorsement of the people and been continued in the highest position of the nation, from which thus untimely he has been taken. That he was the greatest man in the nation in attainments and culture we are not ready to affirm. But taking him all in all, we do not expect at least in our day to look upon his like again. He was not a great genius dazzling us by his splendor; he moved in no eccentric orb, impressing the nation by his anomalies and oddities, but was wise and discreet, determined to aid the right, and accomplish for his day and generation all the good that lay in his power.

He was a plain man, like us all, neither exalted by power nor inflated by honors, but every man's peer, and every man's friend; the lowliest could approach him as well as the loftiest, and from no one did he turn away who sought to gain his presence. Plain, warm-hearted, homely Mr. Lincoln, he moved among us all as a father, a brother, a neighbor. Now that he is gone, we feel we have lost not only a Chief Magistrate, but one whom we seemed bound to by the most familiar and sacred tie.

But while he had the peculiar faculty of living with and among the people he was also eminently endowed with those qualities which have made him so renowned as a Statesman and Leader. Possessed of remarkable purity and integrity of character, he was also a man of strong mind and clear judgment.—He was a thinker for himself, and not

a mere receptacle and retailer of other's thoughts. He was always open to convictions and ready to hear and use suggestions from any source, but after all he used his own judgment and fulfilled the convictions and conclusions of his own mind. He grasped and mastered every question which came before him, and acted not from impulse but from a candid desire to secure the highest welfare of the nation he served. And whatever mistakes may have attended his administration, there is no one who will arraign his intention to have done that which was best on the whole. And as we review his various utterances and the several State papers which came from his hand, they are stamped with a maturity of judgment which the annals of the future will inscribe, few have equalled, and none excelled. He was possessed with an unusual degree of good common sense, or in other words the faculty which led him, to adopt at once that which was right and sensible because it was right and sensible. He was moved by right principle as well as by argument, and was keenly alive to the fitness of things, despising sophistry and gilding. He looked at all matters in their nakedness, probing them to the core and gained the solution of the intricate problems which surrounded him.—When he spoke, his views were a finality, and at his word how often were unsolved problems made clear. Coming upon the stage of responsibility at such a time as this, he has kept the leadership of the nation, and his mind so clear, so grasping, has led us forth to the broad light we now enjoy.

In addition to this maturity and soundness of judgment, all his other endowments were evenly developed.—He was firm without being obstinate, yielding without being given to wavering or weakness. He was just to all, yet of great leniency and kindness.—In other words his character was not one of strong points attended with corresponding weak ones, but the sterner and milder virtues, had equal scope and play. The marks of true



greatness shone resplendent in all his acts.

But more than all he was a true patriot. All his gifts and acquirements he voluntarily yielded up to the one purpose of preserving this nation from division and ruin. He came to the highest seat of the nation, hoping and even believing there would be no forcible attempt at disunion.

On his way to be inaugurated, he stated his conviction, "that time, patience, and a reliance on that God who has never forsaken this people, would bring about a settlement of all difficulties." He said, "Let this people on both sides, keep their self-possession, and just as other clouds have cleared away in due time, so will this great nation continue to prosper as heretofore."

Contrary to his own expectation, the turbulent spirit of treason was not content to be soothed by conciliating words and acts, and the storm which had been gathering, burst forth with stunning fury. From this time onward, his course was fixed, that whatever might be the sacrifice in treasure and precious life, it must be given; and the Government preserved. For four years he has stood firm, and cheerful amid the smoke and din of the conflict, holding the confidence of the nation without interruption, and leading forth the marshaled hosts from conquest to conquest, until at length he was permitted to see the dawning of complete triumph. Against enemies at home and enemies abroad, he has preserved the integrity of the nation under the guidings of Providence, so that with all the immensity of the work which has been prosecuted, there is naught to sully our good name, or lead us to blush with shame before any nation or people on the earth. Never did a nation under any similar circumstances endure such a strain, or stand so fair, so righteous, so true to aims and principles, as this nation has stood during its fiery trial, and to no human aid are we so much indebted as to the moderation, integrity and ability of Him who knew no ambition but to see his coun-

try saved, and his people united and prosperous.

As the intentions and malignity of the conspiracy were developed, he was equal to the hour for which he was called to watch on the ramparts of liberty.

He had long seen the drift of events, and even before it was declared by one of our ripest statesmen that an "irrepressible conflict" was begun, he had expressed his views in the following prophetic language:

"A house divided against itself cannot stand. I believe this Government cannot permanently endure half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall, but I do expect it will be cease to be divided. It will become all one thing or all the other."

He little supposed at that time that from the highest seat of the nation as Commander in Chief of the armies of the nation he would himself issue the decree by means of which the total abrogation of the foul spot upon our national escutcheon would be effected.—On his way to be inaugurated he paused at Philadelphia to assist at the raising of the flag on Independence Hall, he then remarked—"I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of the separation of the Colonies from the mother land, but that sentiment of the Declaration of Independence which gave liberty not alone to the people of this country but I hope to the world for all future time. It was that which gave promise, that in due time the weight would be lifted from the shoulders of all men. This is a sentiment embodied in the Declaration of Independence. Now my friends can this country be saved on that basis? If it can, I will consider myself one of the happiest men in the world if I can help to save it. If it cannot be saved on that basis, it will be truly awful. But if this country cannot be saved without giving up that principle, I was about

to say that I would rather be assassinated on this spot than surrender it."

Noble language—the outbursts of a pure and patriot heart. He was at length assassinated on another spot; but not to mourn that liberty was given up, or the country destroyed, for from his own hands, both liberty had received a new emphasis and a new commission, and the country been brought through the crisis of its danger.

Thus when the fulness of time was come, the power and might of this great Nation was pledged to break every yoke and let the oppressed go free. Would that he might have lived to have seen the fruits of his work, in a reunited and re-generated country—but wherever the voice of liberty shall be heard, his name will be precious; it will never be forgotten by those who tread this free and blood-consecrated soil; it will be mentioned in times to come, on the battle-fields and amid the homes of other continents, and all ages shall pronounce blessings on his name.

As long as this Republic shall endure, it will be a Monument to his virtues and his fame, and side by side with our immortal Washington, its founder, Lincoln, its preserver, will deserve and receive the homage of the world.

Throughout his whole official career, the transparency and nobleness of his purpose has shone. He has never uttered an unkind word against those who were waging mad and relentless war against the Government which had nourished them; he had no malevolence or enmity in his heart; he gave the key note to his feelings in those memorable words with which he closed his first inaugural.

Said he, "you can have no conflict without being yourself the aggressors—you can have no oath registered in heaven to destroy the Government, while I shall have the most solemn one 'to preserve, protect and defend it.'—We are not enemies but friends; we must not be enemies, though passion may have strained, it must not break our bonds of affection. The mystic cords of memory stretching from eve-

ry battle field and patriot grave, to every living heart and hearth-stone over all this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be by the better angels of our nature."

Such was the language which this most noble, most generous of hearts gave forth as the sincere expression of his feelings. During all this bitter contest, while confronting the armed legions of conspiracy with all the power which he could summon, at the same time he has sought and prayed that they might come to a better mind.

Seldom has the world seen so self-possessed, so magnanimous a mind.—He could not feel enmity in his own soul, and sought to remove it from the breasts of others. He had fierce revilers and maligners throughout the free North, his motives were traduced, his acts misrepresented, and vile obloquy poured upon him, but he never was concerned a moment in view of this. He was strong in the consciousness of his own rectitude, and hence he could say as he did on hearing of his re-election: "I am thankful to God for this approval of the people, but while deeply grateful for this mark of their confidence in me, if I know my heart, my gratitude is free from any taint of personal triumph. I do not impugn the motives of any one opposed to me. It is unpleasant to me to triumph over any one, but I give thanks to the Almighty for this evidence of the people's resolution to stand by a free government, and the rights of humanity."

His whole career shines conspicuous in view of his large, heartedness, and forgiving spirit. His very last act was one of kindness and leniency, such as no conspiracy ever before received.—No army of traitors ever before were allowed such terms as were granted to the flower of the rebellion. But while his hand was still stretched out in the greatness of his mercy—ere his voice in the counsels of the Cabinet had scarce ceased its pleading, for those whom he termed "deluded and misguided."—Alas! Alas! the fatal ball



is sent by the hand of one to whom he was extending clemency and pardon, and he who was praying to God and to his countrymen, "forgive them, they know not what they do," himself falls the costliest sacrifice, which the nation has rendered up to this unparalleled and inhuman conspiracy. Ah! our noble Chief! How many would gladly have taken thy place and fallen in thy stead! How many would have stood about thee as a shield to keep thee from harm, had thy life been known to have been in jeopardy. But no! it was not given to us to know this, and now we can only weep over thy corpse, and cover thy grave with our benedictions and our tears.

My friends can we love treason any better, as we look on the pale corpse of him who looks upon us no more, who counsels us no more? No! let this murder, this true child of traitors, be borne by those on whom rests the responsibility of this deed. Let the South, who have long aimed their death strokes at the Union, now reflect they have struck down our leader—though the Union survives. Let the multitudes all about us who have been stabbing our Government by the issues of treason from the press, who have assailed her by words and deeds, yes who could not rejoice over our Union Victories, but mourned when rebellion was driven to the wall, let them bear now their share in this plot of hell, and remember there is blood upon their skirts. But dreadful as this event is—harrowing as it may be to our feelings—while wicked men have meant it for evil, doubtless God has allowed it for good. It is through sacrifices that we have been brought as a Nation to value our inheritance, and now the brightest sacrifice has been given, and by the memory of the brave who have fallen on many fields, by the memory of him who now smiles upon us from the skies—shall we not as a country receive a new baptism for Liberty and for Union.

Yes, my fellow citizens, there is a bright destiny awaiting us. As the fires of martyrdom scattered the seeds

of the Church and made her invincible, so by this martyrdom of our Chief, will this Nation arouse to a new life and a new achievement. His spirit will hover over and animate this Nation,—his example and virtues will guide us—though he is dead he yet lives, and there is no patriot but feels the impress of his influence.

You remember those memorable words of his at Gettysburg Cemetery, when moving slowly, he glanced over the long outstretched crests on which had lately raged the storm of battle, then faced his audience; a fresh tide of feeling struggled in that great warm heart—the figure straightened taller than before, and with strong and tremulous voice he uttered the first sentence of his terse and unsurpassed address:

"We cannot consecrate nor hallow this ground. The brave men living and dead who struggled here, have consecrated it far above our power to add or detract. The world will but little note nor long remember what *we* say here, but it can never forget what *they* did here. It is for us the living rather to be re-dedicated to the finished work which they have thus far so nobly carried on."

Let these words from those lips now silent in death—from that form now side by side with the patriot dead—henceforth be our rallying cry—"It is for us the living to be re-dedicated this day to the finished work our illustrious dead have so nobly begun."

The work will go on. He who raised up and for four years spared to us this leader—will raise up and qualify other instruments. Jehovah lives and His throne is secure. He will be our God even unto the end. This republic which has stood the shock of civil strife, which can even stand firm though our leader is stricken by an assassin's hand, will stand through coming ages,—the glory of those who have suffered for her—and the joy of the down-trodden and suffering of all lands.

Before drawing these remarks to a close, let me briefly revert to one other

fact in the life of this great man. He was not only great, he was also good. He had the prayers and instructions of a pious mother, whose teachings and example he cherished among the most precious memories of his life. He never made a public profession of religion, still he indulged the hope of pardon through a Saviour's blood. It is painful to many minds that death should have arrested him while in attendance at the theatre. It is not the place to which eminent Christians are accustomed to resort, but he justified himself as it has been stated, on the ground that it afforded him relaxation from the cares and responsibilities of office.

He was a constant attendant upon church with his family, and was heartily interested in all efforts to promote true piety. From the time that he entered upon his duties as Chief Magistrate, he evinced a profound sense of dependence upon God, which is shown in his various utterances and recommendations. It is reliably affirmed that daily from 5 to 6 o'clock in the morning, he was accustomed to spend an hour in prayer and reading the scriptures. But in addition to many other evidences which might be enumerated showing his interest in religion, the following fact is from an authentic source:

A gentleman who visited Washington on business with the President, on leaving home, was requested by a friend to ask Mr. Lincoln *whether he loved Jesus*. The business being completed, the question was kindly asked!—the President buried his face in his handkerchief, turned away and wept. At length he turned and said: "When I left home to take this Chair of State, I requested my countrymen to pray for me—I was not then a christian. When my son died—the severest trial of my life—I was not a christian. But when I went to Gettysburg and looked upon the graves of our dead heroes who had fallen in defence of their country, I then and there consecrated myself to Christ—*I do love Jesus*."

As a weeping Nation assembles around his open tomb to-day to lower the lifeless remains to their last resting;

what comfort comes to us in these words, "*I do love Jesus*." He who was so conspicuous in all virtues and endowments, was not wanting in the possession of that highest of virtues unpossessed of which all others must tarnish and lose their splendor. He had realized the value of the Christian's hope, and had secured his personal salvation. And while we mourn his loss to-day, his spirit, we believe, rejoices amid the ransomed ones in glory.

Truly a Prince and a Great Man has fallen. When shall we look upon his like again? Weep, sons and daughters of the Nation. Weep, ye brave soldiers and ye stout-hearted men; the man we mourn to-day, was worthy of our grief. Enshrine his memory in the inmost shrine of your hearts.—Teach his virtues to your children that they may in turn teach them to theirs. Let his words which he spake while yet among us, become as household words, and let his acts be our incentive to higher aims and endeavors. May his mantle rest on those who shall succeed him in the Chair of State, and may his associates in power, and those who are exalted in the land, receive of his spirit, and emulate his worth. And may God defend us all from the power and malice of wicked men.

"Thy throne, O God, is forever and ever." Princes may die and the great of the earth be cut off—but none can resist Thee or thwart thy purposes. God of our fathers, be our God, and the God of all our rulers and our children's God. Thou art our refuge and our hope, the pillar of our strength, the wall of our defence, and our unfading glory.

"And devout men carried Stephen to his burial, and made great lamentation over him." So would we bear our martyred leader to his silent grave amid a nation's lamentations and tears. Beloved one, farewell!

"Peacefully lay him down to rest,  
Place the turf kindly on his breast;  
Sweet is the slumber beneath the sod,  
While the pure soul is resting with God."

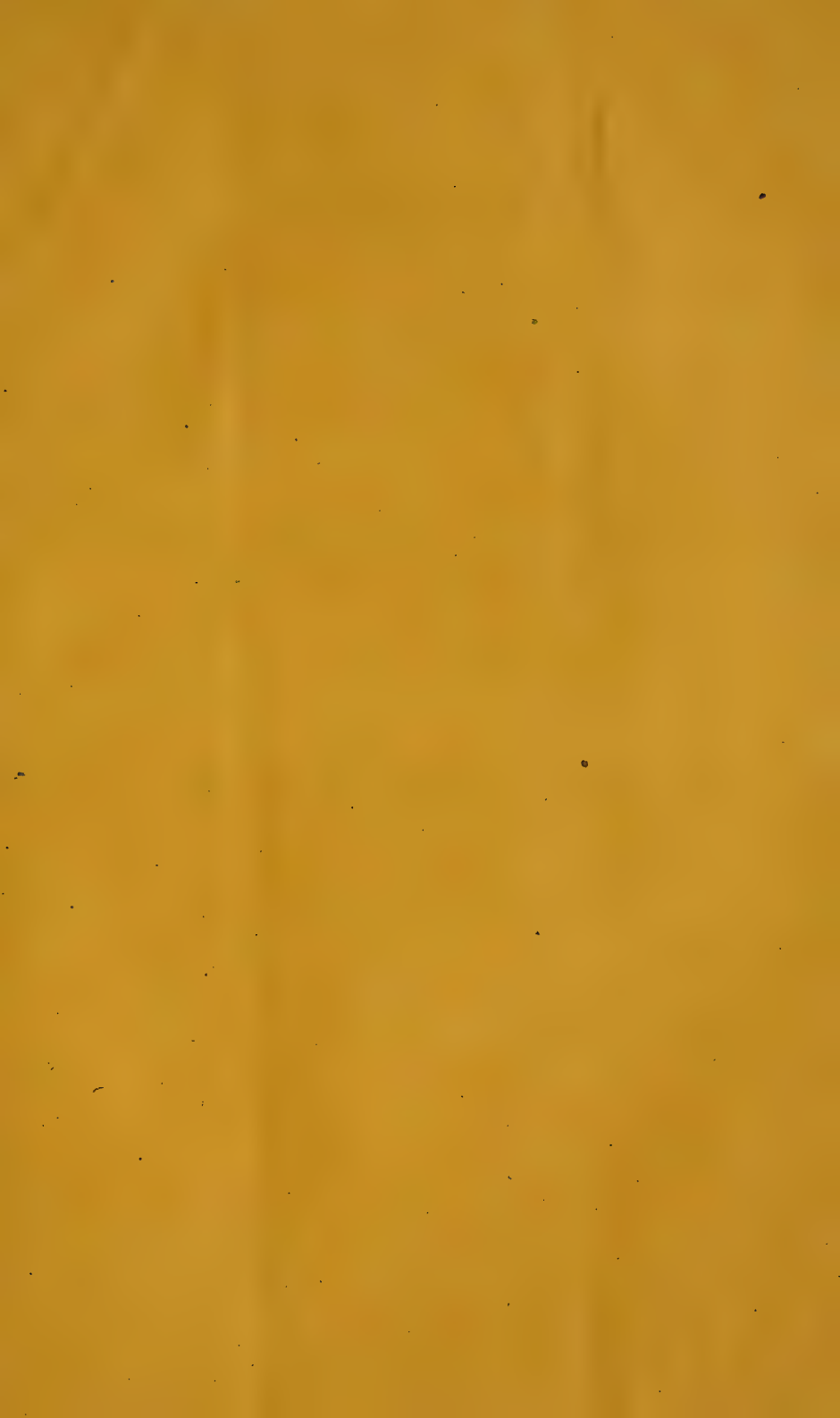
"Quietly sleep, beloved one,—  
Rest from thy toil, thy labor is done,  
Rest till the trumpet from the opening skies  
Bid thee from dust, to glory arise."

Upon the receipt of the mournful intelligence of the death of President Lincoln, our citizens immediately made arrangements for paying to the memory of our great and beloved Chief Magistrate a testimonial of their admiration for his virtues and their affliction in his cruel and most wicked death.

As a tribute of respect and a lasting evidence of their affectionate remembrance Funeral Obsequies of a most imposing character were had "in memoriam." A procession numbering nearly fifteen hundred persons followed the hearse which was itself accompanied by thirty-six gentlemen, as pall-bearers, suitably dressed in mourning. The hearse was also very handsomely and appropriately draped with flags. All the Military and Fire Companies, Civic Societies, Members of the Bar, Judiciary, City and County Officers and Citizens generally united in the ceremonies; after proceeding through the principal streets of our city, the procession halted at the place selected for the delivery of the Funeral Address, (by invitation extended) by Rev. Mr. Wallace. It were superfluous to speak of its merits as all who heard it were fully impressed with the eloquent tribute to the great departed, and those who now read will, we are assured, accord to it all and more than we claim for it.











0315 36.  
HAWAIIAN CABLE AND ANNEXATION.

---

SPEECH

OF

HON. STEPHEN M. WHITE,  
OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

Friday, February 8, 1895.

---

WASHINGTON.  
1895.

SPEECH  
OF  
HON. STEPHEN M. WHITE.

---

The Senate having under consideration the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, the pending question being on the amendment reported by the Committee on Appropriations, on page 9, after line 8, to insert:

“CONSTRUCTION OF TELEGRAPH CABLE BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

“The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated”—

Mr. WHITE said:

Mr. PRESIDENT: The question pending before the Senate has reference exclusively, as I understand it, to the propriety of appropriating \$500,000 toward the laying of a cable to Honolulu, to whatever point upon those islands may be found desirable. Yet the discussion has broadened until there has been included not only the cable issue, not only the Hawaiian revolution, but also a variety of topics pertaining to annexation. The Senator from South Dakota [Mr. KYLE], who has just taken his seat, has even elaborately discussed the effect of missionary expeditions to the Hawaiian group, and has presented a far more delightful narration of the good that he asserts has been done than that which was afforded by his colleague [Mr. PETTIGREW].

Mr. President, if we trace the numerous controversies which have thus been tendered for investigation throughout their entire length and breadth, it is safe to say that this discussion will not terminate until the life of the present Congress expires. I shall briefly allude to two or three matters which have been debated rather fully, though not directly involved, and then shall say a word regarding the cable.

In the beginning permit me to observe that I see no reason to confound the submarine cable with other subjects. I see no reason for the conclusion that it is essential for us to favor the annexation of the Sandwich Islands, and to uphold Mr. Stevens and the missionaries in order to justify an inclination toward the construction of a cable. The propositions appear to me to be entirely dissimilar, and one does not at all depend upon the other.

In the first place, Mr. President, I will mention and comment upon the instructions which have been criticised by several Senators, and which were given by the Secretary of the Navy to Admiral Beardslee. Those instructions, so far as they are at all pertinent to this discussion, are worded thus:

Proceed with the United States ship *Philadelphia* with dispatch to Honolulu, Hawaiian Islands.

Your purpose as commander of the naval forces of the United States will be the protection of the lives and property of American citizens. In case of civil war in the islands you will extend no aid or support, moral or physical, to any of the parties engaged therein, but you will keep steadily in view that it is your duty to protect the lives and property of all such citizens of the United States as shall not by their participation in such civil commotions subject themselves to local laws, and thus forfeit their right in that regard to the protection of the American flag. An American citizen who during a revolution or insurrection in a foreign country participates in an attempt by force of arms or violence to maintain or overthrow the existing Government, or who aids in setting on foot a revolution or insurrection in such country, can not claim as matter of right that the Government of the United States shall protect him against the consequences of such act.

The attack upon these instructions was inaugurated by the Senator from Colorado [Mr. TELLER], who, I am glad to see, is in his seat at this time. After prolonged discussion it now seems that there is not as much difference between Senators as was at first manifested. It is disclosed that the real contention is what was meant by the instructions. I presume that no one will say that if an American citizen participates in an attempt to overthrow or maintain the Government in the Hawaiian Islands, and that long thereafter and as a consequence of his act some absurd and unprecedented penalty is sought to be visited upon him, he would be held to have forfeited his privilege as an American citizen to proper interference in his behalf. I apprehend that when Mr. Herbert used the language he employed he used it in the light of events which had taken place, and with which the whole country was then as now familiar. He was correct in assuming that strained interpretation would not be made by those whose conduct it was designed to influence.

I am not able to admit that any of the authorities which were cited by the Senator from Colorado to the slightest extent conflict with the obvious meaning of the rule laid down by the Secretary of the Navy. I find in a letter from Mr. Frelinghuysen, Secretary of State, to Mr. Lowell, dated April 25, 1882, cited in 2 Wharton's International Law, page 453, the following:

Its [American citizenship] assumption implies the promise and the obligation to observe our laws at home, and peaceably as good citizens to assist in maintaining our faith abroad, without efforts to entangle us in internal troubles or civil discord *with which we have not, and do not wish to have, anything to do.* When an American citizen thus conducts himself, whether at home or abroad, he is entitled to the confidence of his Government and active support of all its officials.

It will be noted that the Secretary at that time, in defining that conduct of the American citizen which entitles the person pursuing it to the protection of this Government, stated that such citizen must abstain from participating in internal troubles or civil discord. He drew no distinction between those who seek to maintain and those who endeavor to overthrow. We have a treaty with the Hawaiian Republic, that is, a treaty entered into with the preceding Government, and which is still in full force and effect, whereby our people are exempted from all kinds and descriptions of military duty. Hence, if an American citizen aids by force or violence either party to a Hawaiian revolution he does so without compulsion and at his own risk. Such is the rational reading and plain meaning of the instructions referred to.

Mr. President, I am free to concede that if the Government now in power in Hawaii chose to seize an American citizen and force him to render military service—to bear arms against his will—he would in such event forfeit nothing; but I do contend that if

an American citizen sees fit to enlist under a foreign flag and to engage in war he is not protected from the consequences of that war—the reasonable, natural, ordinary consequences. I do not include remote consequence, cruelties, for instance, which a party successful in the conflict might attempt to impose, but I refer to the consequences commonly anticipated.

With this in view, I asked the Senator from Colorado, while engaged in making his remarks, whether he intended to maintain that if the Government of the United States found one of its citizens enlisted under the banner of Hawaii it was the duty of that Government to maintain and assist such citizen to the end that he might not be harmed in the progress of his military engagement. The Senator very promptly replied that he did not so contend. Thereupon it seemed to me that all the attacks upon these instructions necessarily fail, unless we are to give them the absurd reading that Mr. Herbert intended to advise that when an American citizen enters into the service of a foreign power any danger menacing him afterwards which might be but dimly traced to, or might find as its distant cause, his first engagement or the animosities thereby engendered, can not be averted by act of our Government. I do not understand that any such instruction was given, and under the circumstances of the case Admiral Beardslee can not so construe the language. Senators who do not view this matter as I do concede that an American joining the Dole forces may be slain in battle by revolutionists without the occurrence of any obligation on our part to save him. He may be shot down, they say, but must not be imprisoned. Revolutionists may kill him in conflict, but they can not capture him; or if they do capture him he must be released at once, to rejoin, no doubt, the army of the Government he is endeavoring to maintain. It results that the revolutionist must avoid taking American prisoners. I fail to detect the logic of this argument.

Mr. President, all instructions, as well as court opinions, are given in view of the facts of the particular case. In the present instance this Administration had, as I consider upon ample proof, come to the conclusion that United States officers under the inspiration of Mr. Stevens had not abstained from mingling in internal contention as they should have abstained, and as matters were somewhat disturbed, the Government having been but recently threatened by revolution, it was not unnatural that the Administration should caution its officers against a renewal of antecedent interference and should enjoin upon Admiral Beardslee the propriety of preventing any service by the marines of the United States in the interest of either party to a civil conflict. History shows that timely warnings are necessary. Some military men go abroad anxious for excitement and not thoroughly versed in international obligations. The instructions are all right. When the present Government was in the formative process those who are now condemning Mr. Cleveland did not find it advisable to insist that it was wrong to support a revolution and a matter of duty to sustain the existing condition.

Mr. President, my friends upon the other side of this question have urged upon us during this debate, as they urged at an earlier date, the propriety of the annexation of Hawaii. I do not propose to run over this matter in detail. In an address which I delivered here upon the 21st of February last I stated my views



quite fully. However, in the light of the position which I am about to take with reference to the cable appropriation, I deem it well to anticipate any misunderstanding as to my position concerning annexation, and I shall very briefly reiterate what I have heretofore advanced against the carrying out of such a plan.

First, I am opposed to such annexation, because I believe that we are not in a condition to bring within our confines the elements which there exist. There are Europeans in Hawaii who would undoubtedly make valuable citizens if they saw fit to assume the obligations of that condition. The statistics furnished us vary somewhat; but I am willing to assume, and such must indeed be the fact, that a large majority of the Europeans upon the islands could qualify for citizenship. Much has been said in reference to the Portuguese who reside there. If these Portuguese belong to the class to which Portuguese citizens in California belong then I can assert with certainty that they would make valuable citizens and would contribute their proper share toward the maintenance and support of any Government and the advancement of the people. But when we put aside the European element, what do we encounter? What races constitute the preponderating population in these islands?

The Senator from South Dakota [Mr. KYLE] who spoke this morning stated—and I suppose he must know about it—that the native population has no will—the islander has no will of his own. The Senator gave this conclusion as a reason showing that we should not demand as a condition precedent to annexation the acquiescence of all the people, that the people were of such a kind and character that they had no judgment, no discretion, could not be charged with willfulness, and yet, singularly enough, he followed this with the statement that, as the net result of the visits and teachings of the early missionary, the natives had been elevated (?) to their present happy state. I think that the missionaries have done far more good than the Senator seems to imply by this declaration. I will perhaps concede that if the people of the islands are reduced to a condition where they have no wish, no will—are incapable of voluntary act—that they are happy; they certainly can not appreciate unhappiness. But will anyone contend that a population of that sort, whether it be a happy population or not, could be otherwise than detrimental to this Republic? Who desires fellow-citizens or neighbors thus constituted and disqualified?

Then we have the Japanese. It is said that there are now nearly 20,000 Japanese in Hawaii—though, according to the statistics furnished by Mr. Blount, there were, when the census upon which he relied was taken, but a little over half that number—but there are some 20,000 in the islands at this hour. There are likewise on hand almost as many Chinese. Mr. President, we have passed most drastic legislation against Mongolian immigration. We have endeavored to keep Chinamen away from the United States; we have affirmed that their presence is not only hostile to the best interests of this Government but may be positively destructive of it.

The PRESIDING OFFICER. Will the Senator from California please suspend for a moment, to enable the Chair to lay before the Senate a message from the President of the United States, which the Secretary will read.

Mr. WHITE. Certainly.

Mr. BLACKBURN. Before the message is read I ask the unanimous consent of the Senate that at the hour of half past 2 o'clock to-morrow the Senate will, without further debate, proceed to vote upon the then pending amendments to the pending appropriation bill and upon the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that at half past 2 o'clock to-morrow the Senate proceed to vote on the amendments to the pending bill and on the bill? The Chair hears no objection, and it is so ordered.

The message from the President of the United States will now be read.

The Secretary read as follows:

*To the Senate and House of Representatives:*

I transmit herewith for the information of the Congress a copy of a telegraphic dispatch just received from Mr. Willis, our minister to Hawaii, with a copy of the reply thereto which was immediately sent by the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1895.

The PRESIDING OFFICER. The message and accompanying papers will be referred to the Committee on Foreign Relations and printed, if there be no objection.

Mr. FRYE. Let the dispatches be read, Mr. President.

Mr. HALE. Yes, let everything that accompanies the message of the President be read.

The PRESIDING OFFICER. The dispatches will be read.

The SECRETARY read as follows:

COOPER,

*United States Dispatch Agent.*

*Post-Office Building, San Francisco, Cal.*

Forward following by first steamer to A. S. Willis, United States minister, Honolulu:

If American citizens were condemned to death by a military tribunal, not for actual participation in reported revolution, but for complicity only, or if condemned to death by such a tribunal for actual participation but not after open fair trial with opportunity for defense, demand delay of execution, and in either case report to your Government evidence relied on to support death sentence.

—  
*Mr. Willis to Mr. Gresham.*

[Telegram.]

HONOLULU, January 30, 1895 (San Francisco, February 6, 1895).

Revolt over 9th. Casualties: Government one, royalist two. Court-martial convened 17th; has tried 38 cases; 200 more to be tried, and daily arrests. Gullick, former minister, and Seward, minister, major in Federal Army, both Americans, and Rickard, Englishman, sentenced to death; all heretofore prominent in politics. T. B. Walker, formerly in the United States Army, imprisonment for life and \$5,000 fine. Other sentences not disclosed, but will probably be death. Requested copies of record for our Government to determine its duty before final sentence, but no answer yet. Bitter feeling and threats of mob violence which arrival of *Philadelphia* yesterday may prevent. Liliuokalani made prisoner on 16th; on 24th relinquished all claims and swore allegiance Republic, imploring clemency for Hawaiians. Government replies to Liliuokalani, "This document can not be taken to exempt you in the slightest degree from personal and individual liability" for complicity in late conspiracy. Denies that she had any rights since January 14, 1893, when she attempted new constitution. "Fully appreciates her call to disaffected to recognize Republic, and will give full consideration to her unselfish appeal for clemency" for participants.

ALBERT S. WILLIS.

Mr. HALE. Will the Senator from California allow me?

Mr. WHITE. Certainly.

Mr. HALE. Mr. President, nothing can so strongly emphasize the need of the most direct and swiftest communication between this country and the Sandwich Islands as the documents which have just been presented to the Senate. What events, tragic and melancholy, may occur before the dispatches which have been sent from the State Department to our minister reach him no man can tell. I should say that every Senator here, whatever may have been his feeling heretofore about the situation in the Hawaiian Islands and the controversies which have arisen, must now feel the deepest regret that the Government there, under whatever emergencies it may be, is subjected to any temptation to a line of ultra severity such as might not be sustained by the humane sentiment of the world. I only wish that the agitation of this cable project had come earlier, in order that the message sent by the Secretary of State to our minister might be communicated to the authorities of the Sandwich Islands, so that extreme measures, such as will not be justified by American sentiment, will not be resorted to.

Mr. FRYE. Will the Senator from California allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. I yield to the Senator from Maine, as I did to his colleague.

Mr. FRYE. My colleague did not mention the fact that the date of this dispatch from Mr. Willis is nine or ten days ago or a little more, and that the dispatch has just reached here; and my colleague did not state, what is true, that the steamer for the Sandwich Islands sailed last Tuesday morning, I think, and that another will not sail for a week after, and that it will be ten days at least before that direction of the President of the United States to his minister will reach him, making about twenty or thirty days to get any notice, no matter how important the event, to his minister and from his minister. I think that emphasizes very distinctly the importance of a cable.

Mr. HALE. Undoubtedly.

Mr. TELLER. I do not wish to interfere with the speech of the Senator from California, but I hope he will allow me to say a word about the President's message—

Mr. WHITE. Certainly. I have yielded to other Senators, and will not discriminate.

Mr. TELLER. I notice in the report of our minister that two of those people are spoken of as Americans. They are not said to be American citizens, and I should presume they are citizens of the Hawaiian Republic. I observe that in the dispatch which the Government sends to the minister they speak of the protection of American citizens. I know we have no right, treating those people as a nation, to say that they may not proceed against their own citizens, if their own citizens have committed crimes against their law, but I think it would be well, and I should like to make that suggestion, for the Government of the United States to go to the extent of asking the Hawaiian Government to suspend all harsh operations, such as inflicting the death penalty even upon their own citizens, until the Government of the United States can confer with them with reference thereto.

Mr. President, we went through a great civil war, the greatest known to history, and we did not find it necessary to execute anybody when we got through.

Mr. HALE. Not a single man.

Mr. TELLER. Not a single person. I do not think the émeute, or whatever it is called, which has occurred in Hawaii will justify those people in the harsh methods on which they seem to have started. I hope the Government of the United States will take prompt steps to see that those people, although they may be citizens of Hawaii, are not executed in a manner that will shock the civilized world.

I do not know that we could afford to give any direction to the State Department, but if there are any members of the Committee on Foreign Relations present, and I see one before me, the Senator from Maine [Mr. FRYE], I should like to suggest that the committee consult the Department, and see if some suggestions can not be made by our Government in a friendly way, and in a proper way, to the Government of Hawaii to the effect that they do not proceed to the extreme measure which it is indicated in the dispatch from the minister that they may take.

Mr. SQUIRE. Will the Senator from California [Mr. WHITE] yield to me for a moment?

Mr. WHITE. I give notice that even unanimous consent on the part of the Senate will not get the floor again. I yield to the Senator from Washington, however. I shall be brief in what I have to say.

Mr. SQUIRE. With the permission and by the courtesy of the Senator from California I desire to ask the Senator from Colorado [Mr. TELLER] whether he is in favor of allowing the people who have been interfering with the existence of the Government in Hawaii to go absolutely untouched, free, or whether his distinction is that he wishes them to be tried by a civil tribunal and not by a military tribunal.

Mr. TELLER. I do not care how the Government there shall proceed. That has nothing to do with the question. When the Mexican people had obtained control of affairs in Mexico, and we supposed they were about to execute Maximilian, the Government of the United States intervened in a friendly way, and said "we do not think you ought to inflict the death penalty." That is all I propose that our Government shall say now. We can not say that the Hawaiian Government shall not punish those people; we can not say they shall not execute them if they see fit; but a suggestion from the Government of the United States will be followed. There is no danger of its not being heeded.

Mr. FRYE. But they can hang every American citizen in the Hawaiian Islands before we can get any suggestions to them.

Mr. TELLER. I am afraid that is true.

Mr. HALE. That we can not help.

Mr. TELLER. We can not help that until we get a cable.

Mr. WHITE. Mr. President, there is one feature of the Hawaiian controversy which should commend itself to those who desire protracted discussion, namely, that when a particular branch of the subject becomes threadbare we are invariably furnished with something new. I will say a word with reference to the dispatches which have just been read as soon as I conclude my summary of the annexation question.

When interrupted I was attempting to show the Senate that the population of Hawaii is not fitted for our affiliation. We have endeavored to exclude Chinese, and there are but a hundred and



six or a hundred and seven thousand Chinese now in the United States. Yet it is proposed to acquire territory which contains a Chinese and Japanese population amounting to over 40,000 souls. It would not be beyond the truth to say that the Chinese and Japanese population which would thus be added to that of the United States equals two-fifths of the Mongolians within our borders. The people whom I in part represent have for years been striving to exclude this competition, and a few misguided individuals in different parts of our country have, because of the prevalence of a determined sentiment antagonistic to Chinese attempted to drive them away by violence. So dangerous to society had their presence become that both nations reached the conclusion that it was essential that Chinese immigration should be prohibited. When we reflect that such has been our legislation and such our history, without a break in the continuity of the story, it is manifest that it would be utterly inconsistent and even iniquitous to absorb the very elements against whose presence we have so long and so earnestly contended.

Why should we invite those whom we have driven away? Will the Chinamen from Hawaii be any better than the Chinamen who have come from Hongkong? The Japanese population of the islands is not of an exalted character. It is a coolie population. It is a population formed of the very lowest class of Japanese subjects, and yet Senators tell me that they are willing to bring within this Republic a serf contribution wholly incapacitated for intelligent government. The claim made by the present Republic of Hawaii, if it is such, is that all save the selected few are not fit to vote, and the argument of Mr. Stevens, when defending his course in a speech made in Boston, is based upon the assumption that the vast majority of the island inhabitants are grossly ignorant.

The Senator from South Dakota [Mr. KYLE] reiterates that statement to-day. He tells us that the natives have no will. They are perhaps human, made in the image and likeness of their Maker, but according to my friend the infusion of missionary principles has left the convert without the ability to think or to act pursuant to desire. Hence, it is urged they need not be consulted.

Are we, then, anxious for a population of that kind, even though it be true that the island soil is productive, even though it be true, as stated by the Senator from South Dakota [Mr. PETTIGREW], that all one has to do in the Hawaiian group to make a living is to plant a banana and steal a fish line?

Is it wise to annex territory thus inhabited? Have we not problems pressing upon us every day, appealing to us every hour with reference to the incapacity of many who are now in the United States? Do we not know that our immigration laws are being daily made stronger, so that we may be able to exclude those who are not fitted by disposition, education, or surroundings to appreciatingly share in the blessings of that equal liberty which can be safely exercised only by men of sound mind and honest heart? Does anyone pretend to me that the presence of these people will add to our strength or our glory? Grant that the few who set up and maintain, and who in my opinion will maintain, that Republic are educated gentlemen, persons guided by the best of motives and possessing all of the qualifications for American citizenship; still the limited number can not be included without the presence also of the vast



horde of incompetents. Mr. President, the undesirable element now here can not be augmented without increased peril.

Someone has suggested that the islands be annexed to the State of California. Mr. President, think of it! Islands as remote from the Pacific coast as Ireland is from New York. Annexed to dominate our politics, to control our elections, to dictate who shall sit in our executive chair, who shall compose our legislature, who shall go to Congress! Where is the guaranty that none but qualified citizens shall vote? I am opposed to the annexation of any country within which the preponderating element of the population is ignorant, or criminal, or corrupt. I do not wish to see as a part of this Republic any land whatever where the vast majority are unlettered and unable to accurately and carefully weigh and truly decide the questions presented for their political adjudication!

These to me are determinative arguments. I can not avoid them. You may say that the Chinese and Japanese can not vote; you may, however unjustly, exclude the natives, but even then you do not meet the objection that I have urged against the incorporation of a community but a small portion of which knows anything of governmental affairs. Nor is it accurate to say, as stated by the Senator from Colorado [Mr. TELLER], that the doctrines of the Democratic party have always been in favor of foreign acquisitions. It is not true, either, that Mr. Jefferson ever advocated the annexation of territory circumstanced as is Hawaii. Mr. Jefferson, in a letter to President Madison, dated April 27, 1809, which can be found in the fifth volume of Jefferson's Works, page 443, in speaking of Cuba, said:

It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

And so Mr. Frelinghuysen, at a later day, in stating the policy which had controlled our Government in this direction, said:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific. No such opportunity has been hitherto embraced, and but little hope could be offered that Congress, which must in the ultimate resort be brought to decide the question of such transmarine jurisdiction, would favorably regard such an acquisition as His Excellency proposes. At any rate, in its political aspect merely, this Government is unprepared to accept the proposition without subjection to such wishes as Congress and the people of the United States through Congress may see fit to express.

Thus has it been ever declared by our Department of State that it is contrary of our views of good policy to incorporate any section which can not be well defended without a navy. As I have stated, Mr. Jefferson placed his adhesion to the Cuban proposition distinctly upon the ground that no navy would ever be demanded for its protection because of its proximity to the mainland. Yet, sir, it is sought now to acquire dominion over islands more than 2,000 miles from our shores—islands whose defense would necessitate the employment of an independent and powerful navy.

This is an issue of policy. There is no analogy, as supposed by the Senator from South Dakota [Mr. KYLE], in the Alaskan acquisition. Alaska is a part of the mainland, separated from us, it is true, by the British possessions, but I imagine there never will be

a race inhabiting that land which will care to contend in arms with our nation, or with which any foreign nation will ever care to engage. Alaska is by nature equipped for self-defense and even exclusion. It is valuable to us, perhaps, because of the minerals yet unmined and the many other productions useful to man which were so well and specifically described by the Senator from Oregon [Mr. MITCHELL] in an elaborate and able presentation made here some days ago. But, however this may be, however difficult (and I recognize the difficulty of announcing any absolute rule upon a subject which after all is but a matter of policy), it is plain to me that it will add nothing to our dignity, our efficiency, our grandeur as a nation, or the liberties of our people to annex such a population as that which is contained within the Sandwich Islands.

Mr. SQUIRE. I should like to ask the Senator from California a question. I have listened to what he has read and what he has stated so earnestly and forcibly to-day with great interest, and I believe the subject is one deserving of very serious consideration. I ask the Senator whether the doctrine laid down by him and toward which he has brought the support of the great names he has adduced would have prevailed had the conditions existing at the present day in regard to vessels of the Navy, both the commercial and military marine, existed in those earlier days of the Republic. It is well known and understood now that vessels of war can not proceed upon long voyages without frequent coaling. The rate of speed required for such vessels in order to give them efficiency, and the distances they must traverse require that they shall have coaling stations. Now, this is a condition of things that did not exist when the Navy was composed largely of sailing vessels. The same is true in regard to the commercial marine in a great degree.

I ask the Senator from California whether the present conditions are not such as to tend largely to modify the doctrine he has laid down in regard to the acquisition of territory that can only be defended by means of an American Navy? Does he not conceive it essential to the very existence and efficiency of the Navy that we shall have coaling stations for the Navy, and is it not just as necessary to provide the means for the transportation of those vessels, the fuel necessary, as it is to provide the ammunition for the cannon they bear? Is it not just as essential that there shall be a requisite coaling station for the supplies of the vessels of our Navy as to have the ammunition that is carried to supply the guns that they bear for the purpose of action? Could we not in this respect profitably imitate the policy of the British nation, that great maritime power whose navy dominates the globe and whose policy in some other and less desirable respects receives such servile imitation by some of our people—who can see nothing in the line of progress and development that should shape our policy, especially as to the tariff question, unless it be on the line of English ideas—yet those very people will not accept the example of England as to the necessary coaling stations for its Navy and for commerce. If we can not have our own coaling stations why expend millions of dollars per annum to build and equip a navy? I venture to maintain that the situation to-day is vastly different as to our Navy from what it was in the days of Jefferson, from whose works the extract has been quoted by the Senator from California.

Mr. WHITE. Is the Senator from Washington through?

Mr. SQUIRE. I am.

Mr. WHITE. The question addressed to me by the Senator from Washington would be a very pertinent one were I speaking of coaling stations, and under our very liberal rules I presume I might discuss on the pending amendment coaling stations, or whaling stations, or any other stations. I will simply say incidentally, however, in response to the Senator's remark, that I presume there will be no difficulty in establishing coaling stations even if we do not own the places where such stations are located. In our partnership entered into with two monarchical governments we have managed to secure a station in Samoa, and I believe we have arrangements in Hayti to the same purport. We have also Pearl Harbor in Hawaii. However, if my friend from Washington will read the very able remarks of the Senator from South Dakota [Mr. PETTIGREW] upon this subject he will find that the coaling station which has been described so glowingly in the debates here does not amount to very much; that it is rather superfluous, and not even ornamental.

Concerning the remark of the Senator from Washington to the effect that the policy of Great Britain should be imitated in the matter of acquiring territory and not as to tariff legislation, I do not hesitate to affirm that I am not disposed to send our Navy upon a career of conquest or to do anything else opposed to our ideas of free government and to our notions of human rights. A study of the Declaration of Independence and the Farewell Address of Washington might be read with advantage. We are not discussing England's tariff laws, but I might say that we find much difficulty under our system in our efforts to divert from England the profitable commerce of the world.

I might, in further response to the Senator from Washington, urge that if the very distinguished men whose views I have read had had before them the prevailing Hawaiian conditions they would have strenuously protested against annexation. Moreover, in Jefferson's and even in Marcy's time little was known of the embarrassments of Chinese immigration; the sharp and ruinous competition in labor lines which has resulted from the presence of Mongolians. The numerous questions now before us concerning which labor and capital play so prominent a part were then but casually considered. Many economic problems most difficult to solve have come to the front within a recent period.

To conclude this branch of the subject and to summarize: I am antagonistic to the annexation of the Hawaiian Islands because of their remoteness and more particularly because of their undesirable population. I am unwilling to introduce a political factor of that sort within the United States. I do not intend to aid in permitting Hawaiian precincts to control California elections.

Now, Mr. President, the cable issue is not necessarily dependent for its solution upon our ideas of annexation, or upon our views of coaling stations; but whether we should have a cable connecting this country with the Hawaiian Islands is a matter that should be determined upon commercial considerations and in view of commercial developments, and also because of the desirability of speedy and independent communication with the Orient. I know that the people of California are in favor of this project. It is the general desire in that part of the Union that



there should be telegraphic connection with Hawaii now, which will lead, I believe, to an extension ultimately to Yokohama. The city of San Francisco is very nearly on the same parallel with the city of Tokio. The most direct route from San Francisco to Japan lies, of course, north of Honolulu. It is some 2,080 miles from one port to the other. But a cable laid to the Hawaiian Islands and thence to Asia would be of vast utility. It is true that such a scheme involves the expenditure of much money. If the Committee on Appropriations considers that at this time we can afford to inaugurate such an enterprise—and such is the effect of that committee's amendment—I shall not object. I do not consider, as I have said, that the cable and annexation plans are at all interdependent.

We have now no telegraphic communication with Asia except such as we are able to enjoy at the option of other nations. If we owned an Asiatic cable profitable arrangements could be made with Russia and Great Britain with reference to European and Australian business.

A short time back our friends of the other side, who always criticise the President, informed us that the proposition contained in the recent message with reference to the landing of Great Britain's cable at Necker Island should not be countenanced; that it was another diplomatic blunder, etc. The Senator from Connecticut [Mr. PLATT] read the remarks of the President of the United States upon a former occasion with reference to cable communication with Honolulu and there was nothing therein at all antagonistic to the present programme. I desire to call attention to the fact that when Mr. Cleveland has recommended the adoption of a policy differing from that desired by the Government at Honolulu he has been attacked for so doing; and in the present instance, when he asked the Senate to acquiesce in the request of that infant Republic, to do that which the Dole cabinet has requested, he is again made the subject of animadversions. Let us be consistent.

I think that the message of the President in that connection speaks for and justifies itself. Congress had made no effort to lay an American cable. Congress has heretofore done nothing indicating any disposition to connect with the islands. Under these conditions we are asked to waive our right to object to the granting of England's request.

Mr. President, I do not imagine that the Government of the United States will go to pieces if the additional commercial facilities tendered by Great Britain are furnished. I do not believe that any vast advantage will accrue to England if she is allowed to land her cable as designed, so far as any trade competition between that Government and ours is concerned. I think it is absolutely certain, because of the location of the Hawaiian group with reference to the United States, that their commerce must come to the western coast of this country. Self-interest on the part of the islanders requires it. Certainly, while our present treaty with reference to sugar matters exist it is plain that, cable or no cable, we will continue to dominate commerce there. But I agree that the cable will be beneficial. I am confident that with the extension to which I have referred we will profit by the work. The illustration given to-day is very significant. If such a line existed we would be able to determine in short order whether it is our

duty to interfere in the cases of those reported to have been condemned by an autocratic military tribunal.

While such reasoning might be invoked with reference to any country in which an exigency has suddenly arisen, that fact would not lessen our satisfaction were we able to enjoy telegraphic intercourse at this moment.

However, the commercial advantages which will ultimately attend the construction and extension of a cable system to Honolulu are such that I do not feel justified in opposing the appropriation, and I intend to vote for it. I concede that it will require a great outlay to complete the project, but I rely upon a corresponding benefit.

I have not overlooked the constitutional objections which were so fully urged here with regard to Nicaragua and have been repeated in this debate. I do not wish to add to the argument I used in consideration of the canal bill. I do not believe that there is any justification for the theory that we have not the power to thus guard our commercial and governmental interests. We can extend our commercial relations, we can lay a cable wherever we find it essential to do so. The legislative department has the jurisdiction to do whatever will extend, advance, and regulate our commerce and increase our capabilities for common defense.

I concur with Senators who have stated that this is a nation vested with full power as such. It is not half a nation or two-thirds of a nation. We can not afford to place the Republic in an inferior position as contrasted with the great powers of this world. Every American citizen would shrink from such an attempt, and would warmly repudiate such a conclusion. To concede otherwise would be to say that there is somewhere another Government which is more powerful, self-respecting, and enlightened than ours; and more nearly competent to so administer public affairs as to promote the permanent happiness of the people. No such doctrine can ever have my support. Nor do I find any justification for such a theory either in the language of the Constitution or in the interpretations of Chief Justice Marshall, which have become crystallized into permanency by the passage of time and the experience of intelligent patriots.

Mr. President, the message which has just reached us, and which recites the sentences of a military tribunal in Honolulu, discloses a deplorable condition.

I know that my humane friend from South Dakota [Mr. KYLE], who addressed us this morning, and spoke of the soothing influence of missionary contact, will be somewhat horrified when he discovers that the characteristics of barbarism have been thus early disclosed in the first struggle for power by the newly constituted Republic. Undoubtedly any Government making any claim to be such, assumes the right to enforce law, and may visit extreme penalty upon those who by violent overt act dispute its nationality and seek to possess themselves of dominion and supremacy.

But, Mr. President, as was well stated by the Senator from Colorado, the United States passed through an unexampled civil war, and did not find it necessary in a single instance to resort to the imposition of the death penalty for traitorous conduct. I can not believe that the sentences which have been thus announced



have been imposed with intent that they shall be carried out. The letter of the law has been probably adopted and commutations will no doubt follow. I do not think that these sentences mean any more than the expression upon the part of those in authority that they have the power to do those things which nationality implies whether represented by a king, a president, or what not. I will not tolerate the thought that anyone who has the slightest conception of free government would under such surroundings convict and execute by wholesale. Mr. Dole's position is such that he can not afford to be otherwise than merciful. When the Queen was deposed, and when she made a threat which the country construed into an intimation that she would execute those who had risen against her if she became once more possessed of the throne, all denounced her as bloodthirsty. There is not a Senator in this Chamber and no one connected with this Government who would not, had she made such an attempt, have used all proper effort to prevent the carrying out of her resolve.

Mr. President, I do not hesitate to say that I would most cheerfully vote for a resolution expressive of the opinion of the Senate that those who have been taken into custody by the Hawaiian Government and who have been thus sentenced should be dealt with leniently. In view of the unsettled conditions prevailing, in view of the infirmities of human passion, having regard to the future of the Republic, the authorities of Hawaii should not be hasty. An enduring republic must be built upon something more solid than a foundation laid in blood, even though it be the blood of the revolutionist who but a few months past was the representative of a Government overthrown by the men who now render judgment.

Mr. President, these occurrences are regrettable. It is to be hoped that in the midst of this disturbance wise counsels will prevail, that the abdication of the Queen, her written and formal renunciation, will prevent further disorder. The Dole Government must be aware that resistance is over and that ultimate punishments are not required. Caution is ever to be observed in matters affecting human life, and an error now would have serious consequences. While we have no authority to affirm that a foreign government shall not enforce its laws, still, under the peculiar circumstances environing this subject, an intimation to Mr. Dole may not be amiss.

But, Mr. President, if those who have been sentenced are American citizens, if it be true that they were not actually participants in an attempt to overthrow the Government, or even then, if they have been tried and found guilty by a summarily organized revolutionary or military tribunal, trying them and passing upon their cases in the shadow of dangerous conflict—under either of those conditions I would certainly conceive it to be our duty to intervene and to investigate most closely before we withdraw our interfering hand.

The communication from the Executive to-day informs us that in accordance with the long-settled practice of this country a request has been made for information and notice given to withhold the consummation and carrying out of the sentence imposed. In any event this precaution is timely.

Mr. President, this occurrence has tended to increase interest in the cable proposition. I am persuaded that our commerce will

be advanced by this expenditure. I appreciate that the large number of American vessels which call at Honolulu do not represent vast trade and that our commerce there is small as compared with that which we share with many other nations.

I repeat that we must in the end go further than Honolulu to find our justification for this disbursement as a business venture. But a commencement must be made, and I shall vote to begin now. Without Government aid a cable will not be laid from the United States. The Senator from Rhode Island [Mr. ALDRICH] accurately remarked that private parties can not be found who will make such an investment, as quick and large direct returns are not to be expected.

Mr. President, I trust that we will maintain the doctrine of noninterference in the internal affairs of Hawaii declared by a formal resolution of the Senate; that we will prevent foreign interposition. And I am convinced that the Administration will continue to take such action as may secure our citizens from persecution and maintain the foreign policy which wise precedents and good faith justify and require.

37.

THE NAZARITE'S VOW.

---

AN

# ADDRESS

DELIVERED BEFORE

THE SONS OF TEMPERANCE,

IN

SAN FRANCISCO,

SUNDAY, MARCH 4, 1855.

---

BY C. F. WINSLOW, M.D.

---

BOSTON:

CROSBY, NICHOLS, AND COMPANY,

111 WASHINGTON STREET.

1855.



THE NAZARITE'S VOW.

---

AN

ADDRESS

DELIVERED BEFORE

THE SONS OF TEMPERANCE,

IN

SAN FRANCISCO,

SUNDAY, MARCH 4, 1855.

---

BY C. F. WINSLOW, M.D.

---

BOSTON:

CROSBY, NICHOLS, AND COMPANY,

111 WASHINGTON STREET.

1855.



CAMBRIDGE:  
METCALF AND COMPANY, PRINTERS TO THE UNIVERSITY.

## ADDRESS.

“AFTER these things, the word of the Lord came unto Abram in a vision, saying, Fear not, Abram : I am thy shield, and thy exceeding great reward.” “And he brought him forth abroad, and said, Look now toward heaven, and tell the stars, if thou be able to number them. And he said unto him, So shall thy seed be. And he believed in the Lord ; and he counted it to him for righteousness.” — Genesis, chap. xv.

“And when Abram was ninety years old and nine, the Lord appeared to Abram, and said unto him, I am the Almighty God : walk before me, and be thou perfect. And I will make my covenant between me and thee, and will multiply thee exceedingly.” “And I will establish my covenant between me and thee, and thy seed after thee, in their generations, for an everlasting covenant, to be a God unto thee, and to thy seed after thee.” — Genesis, chap. xvii.

“And the Lord said unto Moses, What is that in thine hand ? And he said, A rod. And he said, Cast it on the ground. And he cast it on the ground, and it became a serpent ; and Moses fled from before it. And the Lord said unto Moses, Put forth thine hand, and take it by the tail. And he put forth his hand, and caught it, and it became a rod in his hand : That they may believe that the Lord God of their fathers, the God of Abraham, the God

of Isaac, and the God of Jacob, hath appeared unto thee.” “And Moses said unto the Lord, O my Lord, I am not eloquent, neither heretofore nor since thou hast spoken unto thy servant; but I am slow of speech, and of a slow tongue.” “And the anger of the Lord was kindled against Moses; and he said, Is not Aaron the Levite thy brother? I know that he can speak well.” “And he shall be thy spokesman unto the people; and he shall be, even he shall be to thee instead of a mouth, and thou shalt be to him instead of God.” — Exodus, chap. iv.

“And the Lord spake unto Moses, saying, Take Aaron and his sons with him, and the garments, and the anointing oil,” “and gather thou all the congregation together unto the door of the tabernacle of the congregation. And Moses did as the Lord commanded him; and the assembly was gathered together unto the door of the tabernacle of the congregation. And Moses said unto the congregation, This is the thing which the Lord commanded to be done. And Moses brought Aaron and his sons, and washed them with water. And he put upon him the coat, and girded him with the girdle, and clothed him with the robe, and put the ephod upon him, and he girded him with the curious girdle of the ephod, and bound it unto him therewith. And he put the breastplate upon him: also he put in the breastplate the Urim and the Thummim. And he put the mitre upon his head: also upon the mitre, even upon his forefront, did he put the golden plate, and the holy crown; as the Lord commanded Moses. And Moses took the anointing oil, and anointed the tabernacle and all that was therein, and sanctified them. And he poured of the anointing oil upon Aaron’s head, and anointed him, to sanctify him. And Moses brought Aaron’s sons, and put coats upon them, and girded them with girdles, and put bonnets upon them, as the Lord commanded Moses.” — “And he brought the other ram, the ram of consecration: and Aaron and his sons laid

their hands upon the head of the ram. And he slew it; and Moses took of the blood of it, and put it upon the tip of Aaron's right ear, and upon the thumb of his right hand, and upon the great toe of his right foot. And he brought Aaron's sons, and Moses put of the blood upon the tip of their right ear, and upon the thumbs of their right hands, and upon the great toes of their right feet; and Moses sprinkled the blood upon the altar round about." — Leviticus, chap. viii.

"And Nadab and Abihu, the sons of Aaron, took either of them his censer, and put fire therein, and offered strange fire before the Lord, which he commanded them not. And there went out fire from the Lord, and he devoured them; and they died before the Lord. Then Moses said unto Aaron, This is it that the Lord spake, saying, I will be sanctified in them that come nigh me, and before all the people I will be glorified. And Aaron held his peace." Leviticus x. 1-3.

"And the Lord spake unto Aaron, saying, Do not drink wine nor strong drink, thou, nor thy sons with thee, when ye go into the tabernacle of the congregation, lest ye die: it shall be a statute for ever throughout your generations; and that ye may put difference between holy and unholy, and between unclean and clean; and that ye may teach the children of Israel all the statutes which the Lord hath spoken unto them by the hand of Moses." — Leviticus x. 8-11.

"The Lord spake unto Moses, saying, Speak unto the children of Israel, and say unto them, When either man or woman shall separate themselves to vow a vow of a Nazarene, to separate themselves unto the Lord, he shall separate himself from wine and strong drink, and shall drink no vinegar [or fermentation] of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes, nor eat moist grapes or dried. All the days of his separation shall he eat nothing that is made of the vine-tree, from the ker-

nels even to the husk." "All the days that he separateth himself unto the Lord, he shall come at no dead body. He shall not make himself unclean for his father, or for his mother, for his brother, or for his sister, when they die, because the consecration of his God is upon his head. All the days of his separation he is holy unto the Lord."—Numbers, chap. vi.

"And the angel of the Lord appeared unto the woman, and said unto her, Behold now, thou art barren and bearest not; but thou shalt conceive and bear a son. Now therefore beware, I pray thee, and drink not wine, nor strong drink." "For the child shall be a Nazarite to God, from the womb to the day of his death."—Judges xiii. 3–5.

"The words of King Lemuel, the prophecy that his mother taught him. What, my son? and what, the son of my womb? and what, the son of my vows? Give not thy ways to that which destroyeth kings. It is not for kings, O Lemuel, it is not for kings to drink wine, nor for princes strong drink; lest they drink and forget the law, and pervert the judgment of any of the afflicted."—Proverbs xxxi. 1–5.

"Hear ye the word of the Lord, O house of Jacob, and all the families of the house of Israel. Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and have become vain?" "I brought you into a plentiful country, to eat the fruit thereof and the goodness thereof; but when ye entered, ye defiled my land, and made mine heritage an abomination. The priests said not, Where is the Lord? and they that handle the law knew me not: the pastors also transgressed against me, and the prophets prophesied by Baal, and walked after things that do not profit."—Jeremiah, chap. ii.

"For thus saith the Lord, Circumcise yourselves to the Lord, and take away the foreskins of your heart, ye men of Judah and inhabitants of Jerusalem; lest my fury



come forth like fire, and burn that none can quench it, because of the evil of your doings. Declare ye in Judah, and publish in Jerusalem, and say, Blow ye the trumpet in the land!" "Set up the standard toward Zion. Retire, stay not: for I will bring evil from the north, and a great destruction." — Jeremiah, chap. iv.

"And when Zacharias saw the angel, he was troubled, and fear fell upon him. But the angel said unto him, Fear not, Zacharias: for thy prayer is heard; and thy wife Elizabeth shall bear thee a son, and thou shalt call his name John. And thou shalt have joy and gladness, and many shall rejoice at his birth. For he shall be great in the sight of the Lord, and shall drink neither wine nor strong drink; and he shall be filled with the Holy Ghost." — Luke, chap. i.

"And as the people were in expectation, and all men mused in their hearts of John, whether he were the Christ or not; John answered, saying unto them all, I indeed baptize you with water; but one mightier than I cometh, the latchet of whose shoes I am not worthy to unloose." — Luke, chap. iii.

"Ye are the salt of the earth: but if the salt have lost his savor, wherewith shall the earth be salted? it is thenceforth good for nothing, but to be cast out, and to be trodden under foot of men. Ye are the light of the world. A city that is set on an hill cannot be hid. Neither do men light a candle, and put it under a bushel, but on a candlestick; and it giveth light unto all that are in the house. Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven. Think not that I am come to destroy the law or the prophets: I am not come to destroy, but to fulfil. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled. Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven: but whosoever

shall do and teach them, the same shall be called great in the kingdom of heaven. For I say unto you, That except your righteousness shall exceed the righteousness of the Scribes and Pharisees, ye shall in no case enter into the kingdom of heaven." — Matthew v. 13 – 20.

Paul says to the Romans (xiv. 21): "It is good, neither to eat flesh, nor to drink wine, nor anything whereby thy brother stumbleth, or is offended, or is made weak."

To Timothy, Paul says (1 Tim. chap. iii.): "This is a true saying, If a man desire the office of a bishop, he desireth a good work. A bishop then must be blameless," "not given to wine." "Likewise must the deacons be grave," "not given to much wine." "These things write I unto thee," "that thou mayest know how thou oughtest to behave thyself in the house of God, which is the church of the living God, the pillar and ground of the truth."

"He that hath an ear, let him hear what the Spirit saith unto the churches." — Revelation, chap. ii.

The Supreme Being, in the creation of the human race, as in the creation of all other departments of material nature, has endowed its individuals with various degrees of force and development. This difference regards not only the physical aspects of men, but their mental and social power. The clover in the meadow, and the wild violet on the unfenced hills, are more or less completely unfolded, in their parts or their whole. Some flowers are perfect, others not. No two are alike: all differ from each other in form, size, strength of fragrance, or beauty of tint. So with the multiform variety of ligneous growths which cluster on mountain and plain. Every tribe is alike in its general configuration, yet, when observed closely, no two of the same race are identical in shape and size. The branching oak, the stately pine, and the umbrageous elm are all attractive and commanding in their general aspects, but among the common growths of the forest some special form

towers above the rest, so vast and so beautiful, as to engage attention, and awaken multifarious emotions in the mind. The broad and steaming plains of the tropics throw up countless palms, whose lofty columns are interlaced by such gigantic running vines, and prolific undergrowths, as to become impenetrable even to a single ray of sunshine; while the rolling prairies and barren steppes of the temperate zones are baked and sunburnt, and, at best, are only clothed with periodical herbage. Mountain ranges sweep to successive heights above the general level of the earth's surface; but here and there, around the globe, tower far above these the awful summits of Sorata and Illimani, and of Chimborazo and Kunchinginga. In every department of nature, organic and inorganic, animate and inanimate, it is the same. Even among the shining hosts in the arch of heaven, and among the angels which dwell around the invisible throne of the Infinite, the same diversity exists in physical and spiritual glory. Amid the circling orbs arranged with such divine adjustment throughout immensity of space, the largest body exerts an unmistakable, and often a supreme influence, over smaller and lighter ones, controlling their motions, arresting their progress, creating confusion in their elements, and in some cases drawing them from previous courses into its own irresistible grasp. However diversified the creations of God, a wonderful principle of unity in law and purpose reigns throughout the whole. From atoms to suns, from the humblest moss to the gigantic cedars of the Sierra Nevada, there presides over all one uniform principle of being, so palpable as to impress every intelligent mind with its manifestation. The sweetest, largest, most beautiful, and grandest individual of its race—let the class of objects be what it may—impresses us with unusual force, and imparts to our mind the strongest effect of wonder, admiration, or surprise. Especially so is it with all the commanding attributes, physical, intellectual, and moral, of the

human race. And these differences of aspect in men are rendered the more conspicuous and notable from the remarkable position of the race in the scale of created things. Whatever similitudes we may draw from nature, and thereunto liken man for the purpose of making a picture of his intellectual and moral developments more graphic and better understood, all sink into insignificancy in comparison with the lofty nature of those attributes themselves. They stand alone in the universe, and are unallied to all inferior creations. They stretch forward and claim relationship with angels and the spirit of the Infinite, rather than downward to claim connection with brutes and inert matter. The human race stands half-way between the dust of the crystalline rocks and the spirit of the Eternal, which from that dust wrought out the marvellous architecture of the human brain, as a tabernacle and special abiding-place of the Shekinah.

This is the commanding position of the human race in the scale of created things. There may be instincts and nutritive functions within his frame, which ally him to quadrupeds, reptiles, fishes, mollusks, and plants. So within his bones and blood there are material combinations that ally him to coral reefs sunk deep in the abysses of the sea, to limestone rocks which crop out from mountain summits, and to metallic veins which lie embowelled within the granitic foundations of the globe; but far overtopping the most delicate chemical combinations of matter, the finest spun forces that startle us with the mysterious wonders of organic and animal life, the marvellous instincts and intelligence of brute creations, there is planted within the complex structure of the human brain the high, deep, broad, and immortal powers of thought and contemplation. It is these inexplicable principles, in their infinite amplitude, which are enthroned in the bosom of the Creator, and which constitute in him the sublime and incomprehensible attributes that we all worship and adore. The earth



has only lent to us for threescore years a portion of its material being, wherewith to build an altar that shall be enkindled by living coals sent down from heaven, the flame of which shall ascend again and burn for ever and ever before the throne of Jehovah. Such is the being, such the destiny, of the human race. God has spoken, and made it so.

As elevated and remarkable as is the position of the human race in the scale of created things, and over and above the mere natural differences existing between individuals, whereby one excels another in capacities and endowments, there have been promulgated by the Supreme Being moral laws, (to stand above all human laws,) through chosen agents, as Adam, Noah, Abraham, Moses, the prophets, Jesus Christ, and the apostles and martyrs; and he has instituted a system of moral and religious teaching, and continued it from the foundations of society to this day, through a chosen people, or by selecting one man from the race and setting him above the rest, in wisdom and influence. It is to the mere fact of the establishment of this system as a divine purpose by which one man is set above another to minister to the intellectual races from age to age, in the loftiest contemplative wisdom, that I intend to call your attention in this connection, for the purpose of introducing the subject of my thoughts fully into view, and plainly displaying the field of their application before your minds. In the ample extracts from the old and new covenants with which this discourse is opened, you behold, if you believe in divine revelation applied to the moral government of mankind, the record of the determinate plan, will, and pleasure of the Supreme Being. So far as I am concerned, I believe in the moral government of the invisible God as firmly as I believe in the existence of the physical law of planetary attraction, first brought to light by the immortal mind of Isaac Newton; and that law was a no more profound



inception of divine intent than the moral law made known through Moses, and established in its purification, simplicity, and fulfilment through Jesus Christ. In treating this subject, however, it is not my design to trace in detail the history of the Jewish priesthood from Aaron, through all its backslidings, errors, and wickedness, in spite of the expostulations and denunciations of the wise and remarkable prophets of Judæa, to the advent of the Messiah; or the history of the Papal hierarchy, with its uninterrupted assumptions of power, profligacies, abominations, multi-form deceptions and barbaric mummeries, to the time of the Reformation, or until now. The whole sacerdotal and pontifical history of the past, both preceding and succeeding the advent of the Messiah, is dark with wilful error, and with traditional misinterpretations of the revealed and natural will of God. The prophets of old cried aloud in vain to the priests of Israel; and Christ, that humble and holy Lamb, was slain because he fearlessly overthrew the tables of the money-changers in the temple, and condemned the Jewish Rabbis for building sepulchres for the prophets whom their fathers had killed. I will let the dead past bury its dead, but I will stand up before the living, and respectfully, but boldly, ask the religious leaders of the present day, whether they be priest, bishop, doctor of divinity, presbyter, pastor, teacher, elder, deacon, or church-member, Why, if you have separated yourselves as Nazarites unto the Lord, — why do you not keep good the vow of your separation? To the position of masters in Israel, as teachers of personal religion and private morality, ye have set yourselves apart from the great body of the human race, and placed yourselves conspicuously above them, for their special edification and regeneration. In all subsequent remarks on the doubtful and imperfect manner in which ye sustain your professions and example of righteousness, I shall have naught to say, except on that one point required by God above all others, from the foundation of

the priesthood in Aaron to the present unceremonial office of clerical and Sabbath-school instruction. When ye enter the tabernacle of the congregation ye shall drink no wine nor strong drink, that ye may show the common people the difference between holy and unholy, and unclean and clean; for this is *a statute for ever* throughout your generations.

As in the physical world one object transcends another in magnitude and beauty, and as among men one mind excels another in breadth, strength, and embellishment, so in the Church militant priests, pastors, and teachers are set apart by Divine Goodness, or they do set themselves apart from the common people, to walk blameless, and not to drink wine nor *any thing* — ANY THING — whereby their brother may be made weak, or to stumble, or to offend. Throughout Christendom the heads of churches and congregations are esteemed more holy than other men. Whether their natural characters really deserve the consideration which society bestows on them or not, the traditions of the elders, even from the days of Moses until now, have invested them with a garb and halo of sanctity and superiority, so that they are conspicuous and elevated far above many truly great men of the earth, in the opinion of their followers and mankind. There is no doubt that it was the Divine plan, that one man should excel another in special graces of heart and character, as a model of deportment and wisdom for the benefit and improvement of others; and such men the Supreme Being designed to ordain as a priesthood, to whom, from age to age, all the ends of the earth might look for example, precept, and salvation. Enoch, Noah, Melchizedek, Abraham, Moses, Aaron, John the Baptist, and Christ, are notable landmarks in the spiritual history of the past, towards which the religious culture of various tribes and types of the intellectual races tends in our contemplations of the organized or unfolding institutions of human society. Subordinate to these great

heads—through whom the Infinite Mind has revealed its will to finite minds—have come down to us the various orders or links in the chain of the priesthood, some mitred, others cowed, some bearded and some shaven, some clothed with surplice and bands and some with straight-collared coats and white buckram cravats. They are all only types and shadows of the great divine idea so loudly proclaimed to Abram on the plains of Mamre, and which shall echo around the globe and resound from pole to pole to the end of time: “I am the Almighty God; walk before me and be thou perfect!”

Such being the case, with what lofty presumption against the foundations of public righteousness have popes, cardinals, and prelates set the expressed will of God at naught! From time immemorial Christendom has resounded with their unevangelical deportment. Babylon, the mother of harlots, was never more drunk with abominations than have been the Papal priesthood in their wine-bibbing sins, throughout all their generations. With a hundred and fifty millions of gentle and teachable people of divers types of the human race under their complete domination, overgrown with ecclesiastical pride, regardless of the influence of virtuous and holy examples on their implicitly obedient followers, the Roman Catholic hierarchy have used the power which has accumulated in the Church by traditions and errors of antiquity for any purpose save that of advancing the highest interests of human society. With such a widely extended field of influence, what a power might be exerted by the Roman Catholic clergy for the advancement of temperance among their adherents! But in that religious establishment, it is rare to find an official, from the lowest beneficiary to the pontifical monarch of the Vatican, who does not forget that he is “the light of the world to his flock, and a city set on a hill, that cannot be hid.” They make broad their phylacteries and enlarge the borders of their garments, and love greetings

in the markets, and to be called of men Rabbi, Rabbi. But woe unto you, Scribes and Pharisees, hypocrites! who only pay tithe of mint and anise and cummin by gorgeous and dead ceremonies, and who knowingly and wilfully omit, in your personal habit of drinking wine and strong drink, the weightier matters of the law.

As an offshoot from the Papal hierarchy, and still encumbered, as a system, with imposing vestiges of barbaric splendor, Hebraic rituals, and ecclesiastical formulæ, stands the Episcopacy, or the Anglican Church. How long it takes the world to shake off ancient usages, especially when rites and ceremonies are performed amid pomp and magnificence, and are accompanied by flowing robes followed by lackeys in vestal garments, to impart show and notability to the simple ministrations of the meek Saviour's Gospel! By the enlightenments of the Reformation, the personal corruption of the Papal priesthood was exposed, though not much improved; and the Anglican prelacy, as a body, and as an offset from that priesthood, is by no means chargeable with the same neglect of self-denial, or of personal example to their numerous adherents. The thoughtless condition of the world, however, on the score of intemperance, which evil is the parent of three quarters of the crime and profligacy of enlightened Christian communities, requires their studious observance of all the requirements of the Law and Gospel. The prodigious influence of the Episcopal Church on modern developments of society should awaken in the hearts of its prelates and stipendiaries the necessity of the most rigid course of self-discipline, as a means of enlarging the solid virtue of the human race. If those who separate themselves from the world, as examples of holiness and purity, who enter the tabernacle of the congregation, who minister at the altar of the living God, and who have been anointed with the sacred oil that was poured on Aaron's head, cannot circumscribe to the Lord those desires of their hearts or palate,



by the indulgence of which a baneful influence is exerted on their day and generation, and their fellow-men are caused to stumble and to be made weak, they should cease to be longer Nazarites, and should compel themselves to end the days of their separation; for they dishonor their consecration by offering strange fire to God in the presence of the people; for says the Lord, through Moses, "I will be sanctified in them that come nigh me, and before all the people I will be glorified."

In no community on the face of the earth is the exalted and commanding example of bishops and prelates in strict temperance, — which, in the present condition of human society, means nothing more nor less than total abstinence, for the Scripture readeth, "It is good neither to drink wine, nor *anything* whereby thy brother stumbleth," — in no community, I say, is the example of the Anglican prelacy more necessary, for the advancement of temperance habits among the people, than in this city and commonwealth. In every town and hamlet, and at every corner of the streets, are bars and public drinking-houses. The police courts are crowded with weak and unfortunate delinquents, who, were it not for these habits of corruption, would be, this day and hereafter, breathing the air of freedom and self-respect, and in most cases pursuing useful and industrious occupations. The same remark respecting intemperate persons will apply with almost equal force to every great city in this republic, and to its towns and villages, and even to many of its rural communities. The human heart, though often weak, is not so absolutely corrupt as to seek of its own natural bent to plunge into error and crime. Occasionally there may be born a downright wicked human creature, but the most of bad men become evil by bad example, corrupt influences, and by neglected culture in early life. To full-grown men in Christian society the Church stands as godfather; and it should keep its vows through its priests and prelates, who



are designed to be ambassadors from Heaven. And if it cannot, nor will not, do its simple duty in Heaven's behests, then hierarchy and prelacy, mitre and cowl, surplice and bans, pomp and power, cross and shrine, turret and tower, should crumble into dust: for, ye mitred men, ye declare yourselves to be "the salt of the earth; but if the salt have lost his savor, wherewith shall the earth be salted. It is thenceforth good for nothing, but to be cast out, and trodden under feet of men."

The legitimate development of Luther's Reformation has given birth to a multitude of Protestant sects, the special theatre of whose most intense activity is this broad continent of North America. Each one of these Protestant and dissenting denominations avows itself to be more exact in its teaching and fulfilment of the spiritual intent of the Law and Gospel, than the Papal and Episcopal organizations. Each vies with the other in stepping over therites and ceremonies of antiquity, in rending asunder the veil of the temple, in exposing the ark of the covenant, and striving for mastery over the rod of Aaron and the pot of manna. Each proclaims to a sinful and famishing race that the priestly rod buds and blossoms in its grasp with the sweetest charms and most heavenly graces, and that the manna has become the most sacred, is freshest, and the most direct from Heaven, as he offers it to a downcast world. But, ye orthodox teachers in Israel, if ye have taken the Nazarite's vow, are ye studiously and implicitly obedient to it, and do ye keep yourselves holy before the Lord? How often do ye cast the rod upon the ground, and allow a startled world to behold a serpent spring forth from your weakness and error, and how often do ye flee from, and neglect to put forth your hand with determination and power, to take up that monster by the tail, which your own thoughtless acts and noxious example have created in the bosom of society? Ye may preach sermons to young men for their moral improvement, or the

moral improvement of the world, until the day of that world's doom ; but while ye drink wine and strong drink at their feasts and weddings, ye violate the express command of the law, the spirit of Christ's Gospel, and the exhortations of the immortal Saul of Tarsus, who was converted to that Gospel, as ye profess to be, that he might become an ensample and a saving light to the weak and stumbling, the humble and the weary, and to the blind and sinful of the earth, to the end of time. Your sanctity may exceed that of the Scribes and Pharisees, your learning that of Gamaliel, your eloquence that of the early Apostles, but, with all your faith and all your zeal, your preaching shall be vain without your works. "For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law till all be fulfilled. Whosoever, therefore, shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven ; but whosoever shall do and *teach* them, the same shall be called great in the kingdom of heaven. For I say unto you, that except your righteousness shall exceed the righteousness of the Scribes and Pharisees, ye shall in no case enter into the kingdom of heaven."

These views, as plainly as they were proclaimed in former times, or are uttered this day, apply not only to priestly officials who superintend the moral and spiritual interests of well-developed Christian communities, but they apply in an especial manner to missionaries of every name and denomination among pagan races, from the benighted recesses of Africa and Asia to the thousand islands which rise like gems from the bosom of the sea. The sad neglect of the early English missionaries to observe the injunctions established by the Supreme Being in the Mosaic epoch, and substantiated by Christ and his Apostles, respecting the use of wine and strong drink by those assuming priestly offices, and who were to become teachers of

the Gentiles, has been conspicuous at most of their stations in Southern Polynesia. At the Tahitian Archipelago, even up to the year 1844, when the French seized that group, the missionaries used all sorts of intoxicating spirits without reserve, drinking wherever they visited, as politeness was extended to them; and when I declined to partake of highly recommended brandy, of which they drank freely, it was said, by way of apology for their use of it, that the preservation of life and health in those tropical latitudes depended on the habitual use of stimulating drinks. I was then, as now, not habituated to strong drink, and those missionaries were calmly assured by me in return, that I should probably die between the tropics if it required the daily use of brandy to keep me alive. There never was a more salubrious climate on the globe than that of the Society Islands. The Sandwich Islands, in north latitude, correspond with the Societies in all tropical respects; and there were spent four of the most delightful years of my life, made happier and brighter by an uninterrupted use of cold water: and I am yet alive, thank God, with a constitution overflowing with buoyant and joyous health, to recount the marvellous story of my escape from the baneful exhalations of those tropical shores!

There never was a pagan race offered to the Christian Church better fitted in natural qualities of head and heart for receiving moral and religious instruction, than the Tahitian savages. But the personal example of their Christian teachers on the score of using wine and strong drink was not salutary, but made their preaching powerless; and the noxious influence of their disregarded vows is permanently stamped on the habits of that noble but unfortunate race. While speaking in such distinct terms of disapprobation of the anti-temperance practices of the English missionaries at the Tahitian group, it gives me the highest gratification to bear a contrary testimony to the lofty Christian virtues of self-denial and self-discipline which have distin-

guished the American missionaries at the Hawaiian Islands from the day of their landing to the present time. This embraces a period of thirty-four years. Notwithstanding they left the United States in 1820, at a time when the most respectable sideboards were crowned with the choicest liquors, and before the great temperance principles of the old and new covenant were asserted as a basis of reformation from practices which had become engrafted on Christian society by the immemorial delinquencies of a reckless priesthood, — notwithstanding this, when they landed at the Sandwich Islands they entered into a solemn obligation with their own hearts, and with each other, to walk before God after the order of Aaron, and to follow strictly the injunctions of Paul, in their ministrations to a heathen race. And during a long residence among that swarthy and frail people, I can bear the most ample testimony to the blessed results of the apostolic example of those missionaries; for during that period I never saw a native intoxicated, nor make use of intoxicating drinks, with one exception, and the lofty rank of that exception placed him above all law, and above the beneficial effects of church discipline. However loudly that noble band of self-denying men and women may be slandered by private enemies or ungenerous strangers, I am prepared, by the largest and freest intercourse with their private views and practices, both in their homes and throughout their fields of labor, to bear unqualified testimony to their persevering abstinence, and to their endeavors in all respects to walk worthy of their consecrated calling; and though differing somewhat from them in religious opinions, and on some important points of temporal policy and church discipline, still I do declare, that, as a band of indefatigable and self-sacrificing Christian teachers, no rank nor race in the order of the priesthood, from the days of Aaron down through the long line of prophets, apostles, and martyrs, are more deserving of the respectful and affectionate re-



membrance of posterity, than the earlier missionaries of the Hawaiian Islands. I have seen them under all circumstances of seclusion, in their lonely abodes, in their domestic gladness, and in their private griefs and trials; and the sublimest hour of Christian joy and triumph that it has ever fallen to my lot to witness was when one of those earlier apostles — still in the strength of a green old age, but bowing beneath the weight of incurable disease — was yielding up the ties of earth and kindred and duty to a half-converted race, and winging his way to just rewards in the realm of immortal glory. They have all fulfilled their vows during the days of their separation, and they have offered no strange fire before the Lord to bewilder and lead astray the feeble race among whom they have built altars on which to offer themselves living sacrifices to the Most High. That swarthy race, in the providence of God, is but temporary, and must soon pass away; but if the pyramids of Egypt remain through countless ages as the mementos of pagan rites, and of sacerdotal sway over nations that have vanished, and if the sculptured cliffs of Idumæa can still be pointed at as a memorial of God's condemnation of a wicked priesthood, then shall the lofty and swelling domes of the Hawaiian Mountains rise from the blue waste of the Pacific, as everlasting monuments to the virtue and self-conquest of the early American missionaries; and their volcanoes shall become sacred altar-fires, from which shall ascend perpetual incense to the memory of their faith, and patience, and temperance, and self-sacrifice, and general conformity to the stipulated requirements of the Law and Gospel.

In Southern Polynesia there are, however, two spots under Protestant culture, to which my previous remarks on the pernicious influence of wine-drinking practices among English missionaries will not apply. One is Pitcairn's Island, the remarkable history of the Christian population of which is well known to the world; and the other is



Barotonga, in the Hervey group, which was visited by me in 1847. Here the example of the American missionaries was commended, and carefully adopted, by the worthy English families who administered religious instruction in that delightful island. By earliest dawn of day the beating of the tapa-cloth was resounding in every hut throughout its peaceful and industrious settlements. Hours of labor and repose, religious and secular instruction, and practice in the mechanic arts, followed each other in systematic succession, and contentment, cheerfulness, and peace reigned on every tawny face; and it was easily discoverable that their religious instructors put difference between holy and unholy, and unclean and clean, and that they taught these wanderers in the wilderness of ignorance and error all the statutes which the Lord had spoken unto them by the hand of Moses.

The example of these two classes of Christian missionaries is held up to the world as a great lesson for the present and for all future times. Indeed, the lesson is direct in its application to civilized communities also, and will show the difference of influence which the life and habits of a false or true Christian priesthood exerts upon human society at large. The lofty duty of the clergy in connection with the use, commerce, and manufacture of intoxicating drinks is plain. It is self-denying, it is true, but not hard, if ministers are fitted for their calling, and are such men as God designs to fill the office which they assume. "He that hath an ear, let him hear what the Spirit saith unto the churches."

The spirit of these general remarks, which I have intended for special application to the Christian ministry throughout the earth, I will direct with unabated force and intent to religious *professors* everywhere, and particularly to organized bodies outside the pale of the priesthood, the objects of which purport to be to hasten the conversion of the world to divine truth and love. Among these there

stands in the first place for its antiquity, the order of Free-Masonry; of a kindred moral character is the institution of Odd-Fellowship; and last of all, and of a broader religious and decidedly doctrinal and sectarian intent, is that vast and powerful machine of recent creation for good or evil, called the Young Men's Christian Association. The fundamental principles of the orders of Free-Masonry and Odd-Fellowship are based on the substantial intentions of the Deity revealed to mankind through Moses and Jesus Christ. But while their vows oblige them to do unto others as they would have others do unto them, they neither assert nor deny the existence nor divine mission of the Messiah. There indged seems to pervade these mysterious orders a divine idea of more extreme antiquity even than that revealed to Moses, and which extends back to the age of Melchizedek and Abram, when the Supreme Being displayed himself in the plains of Mamre, and breathed into the trusting soul of the patriarch these words: "I am the Almighty God. Walk before me, and be thou perfect!" For throughout their respective systems run the broadest principles of Christian philanthropy, personal friendship, brotherly love, private charity, and forgiveness of faults in their fellow-men. These are holy principles, unto which Jew or Christian may separate himself, and do homage to his higher nature and fulfil the behests of the great Creator. But, after all, they can only be ranked as little wheels within the great wheel of the dispensation of the new covenant, which is destined to roll in straight and narrow paths of unsullied righteousness around the globe. If so, brothers, do ye then fulfil the vows of your Nazariteship, during the days of your separation unto the Lord? But your professions are private and secret, and the veil cannot be lifted; and though that fact must only make your vows the more obligatory, I shall leave you to your own consciences, and the special watchfulness of the Infinite Creator and Governor of the world.

The Christian Associations, however, which stand out so conspicuously on the face of human society, and distinguish the theological aspects of the age, are veritably built on the ark of the covenant as their corner-stone; and they profess to be the guardians of the blossoming rod, the pot of manna, and the sacred vessels. Religious professors in one united body, embracing all organized Protestant institutions, represent the sons of Aaron, on the tip of whose right ears, and on the thumbs of whose right hands, and on the great toes of whose right feet, was put the blood of sprinkling, that was poured out warm from the heart of the ram of consecration. With ears thus sanctified, should they not be cautious how they listen to temptation and evil? With feet thus consecrated, should they not take heed how they walk? With hands thus made holy, should they not be careful what they touch, buy, sell, or manufacture, whereby noxious examples may be set, and corrupting influences exerted on human society? Let them be circumspect and watchful of the fire which they put into their censers in the presence of the Lord, else other fire may peradventure go out from the Lord to devour them, when, dead in everlasting shame and disgrace, they may be carried by their brethren, from before the sanctuary, out of the camp; for God says, "I will be sanctified in them that come nigh me, and before all the people I will be glorified."

The earth is full of sin and wickedness, but in enlightened communities the most prolific source of error is the free and unrestricted use of wine and strong drink. The statistics of crime and profligacy throughout the civilized world show it. The fact is indisputable, and requires no support of argument. Its cure lies in human obedience to divine law. The old covenant has been replaced by the new. The Gospel, full of love to men, imposes numberless restraints on its professing adherents, and upon general society. The special interdiction of wine and strong

drink to the ancient priesthood by the Almighty was a direct communication to the great soul that dwelt in Moses, by which the will of the Infinite was to be promulgated to the finite. There was no method of communicating with the human race, except through some great soul specially chosen from that race. That sublime mortal soul became consecrated as the leader of Israel, and he was ordained to communicate his inspiration instead of God to Aaron, and Aaron became his spokesman unto the people; and through special agencies have the sublime truths from Heaven been perpetuated among mankind for the improvement and salvation of the race.

A new order of priesthood, in the form of poor and humble laborers, with great, loving souls, was ordained by Christ; and he endured ignominy and died on the cross that he might exhibit to unfolding ages the wonderful example of a man without sin, in whose mouth there was no guile, and whose steps should be ever followed with love and earnestness by all mankind. This is the founder of the New Testament, and that new order of priestly calling from which springs the numerous Protestant sects and dissenting organizations of this golden age of enlarged and free thinking. As Moses preceded Aaron and anointed him "instead of God," so John the Baptist crying in the wilderness to a backsliding and sinful race, "Repent ye, for the kingdom of heaven is at hand," preceded Christ, and baptized him with water, as an emblem of the purity of purpose and act which the Infinite Creator had laid on him. That Christ was no sounding brass nor tinkling cymbal. He was that example to you, ye proud and wine-bibbing priests and prelates, ye weak and time-serving ministers and deacons, ye indifferent and unworthy professors, who, while the earth is steeped in intemperance and all its consequences, still partake of wine and strong drink, and enter into the tabernacle of the congregation with its offensive odors hanging about your polluted lips.



Ye are of the order of priesthood after Christ, and ye set yourselves apart as an example to me, and to my sons and daughters, and to my brothers, and to young men, and to the whole broad earth, to whom ye preach the graces and precious blessings of the Gospel, paying tithe yourselves in fragrant words of mint, anise, and cumin, and omitting in your practices the weightier matters of the law, and making clean the outside of the cup and of the platter, while within you are full of extortion and excess.

“These things, Timothy, write I unto thee, that thou mayest know how thou oughtest to behave thyself in the house of God, which is the church of the living God, the pillar and ground of the truth.”

“He that hath an ear, let him hear what the Spirit saith unto the churches.”

























